



Journal of the House

State of Indiana

122nd General Assembly

First Regular Session

Thirtieth Day

Thursday Morning

March 25, 2021

The invocation was offered by Chaplain Matt Barnes of the Public Servant's Prayer.

The House convened at 10:00 a.m. with Speaker Todd M. Huston in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Hostettler.

The Speaker ordered the roll of the House to be called:

Abbott	Karickhoff
Andrade	King
Austin	Klinker
Aylesworth	Lauer
Baird	Ledbetter <input type="checkbox"/>
Barrett	Lehe
Bartels	Lehman
Bartlett	Leonard
Bauer	Lindauer
Behning <input type="checkbox"/>	Lucas
Borders	Lyness
Boy	Manning
Brown, T.	May
Campbell	Mayfield
Carbaugh	McNamara
Cherry	Miller
Clere	Moed
Cook	Morris
Davis	Morrison
Davisson <input type="checkbox"/>	Moseley <input type="checkbox"/>
DeVon	Negele
DeLaney	Nisly
Dvorak	Olthoff
Eberhart	Pack
Ellington	Payne
Engleman	Pfaff
Errington	Pierce
Fleming	Porter
Frye	Prescott
GiaQuinta	Pressel
Goodrich	Pryor
Gore	Rowray
Gutwein	Saunders
Hamilton	Schaibley <input type="checkbox"/>
Harris	Shackleford
Hatcher	Slager <input type="checkbox"/>
Hatfield	Smaltz
Heaton	Smith, V.
Heine	Snow
Hostettler	Soliday
Jackson	Speedy
Jacob	Steuerwald
Jeter	
Johnson	Summers
Jordan	Teshka
Judy	Thompson

Torr
VanNatter
Vermilion ☐
Wesco

J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 299: 92 present; 7 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, March 29, 2021, at 1:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

RESOLUTIONS ON FIRST READING

House Resolution 26

Representative Campbell introduced House Resolution 26:

A HOUSE RESOLUTION congratulating Sallie Fahey on the occasion of her retirement.

Whereas, Sallie Fahey began a long and successful career at the Tippecanoe County Area Plan Commission in 1973;

Whereas, Ms. Fahey was appointed assistant director with the Area Plan Commission in 1989 before being appointed executive director in 2004;

Whereas, Ms. Fahey has devoted her career to promoting and facilitating growth in Tippecanoe County and across Indiana;

Whereas, Two of Ms. Fahey's most memorable achievements were her work on the U.S. 231 extension and the Hoosier Heartland Highway;

Whereas, Ms. Fahey received her bachelor of science degree in housing from Purdue University in 1972, and she earned her master's degree in public policy and public administration from Purdue in 1982;

Whereas, Ms. Fahey worked extensively with her alma mater in many roles, including: guest lecturer; planning consultant including highway extensions and model ordinances; visiting instructor teaching 500 level courses; member, Dean's Advisory Council; and board secretary, vice president, and later president for the School of Liberal Arts Alumni Board;

Whereas, Ms. Fahey, as executive director for the Area Plan Commission, contributed her knowledge, skill, and expertise to the Purdue Research Foundation regarding the Campus Master Plan, the Purdue amendment to the Metropolitan Transportation Plan, the Discover Park District Plan, and the Aerospace Park Plan;

Whereas, Ms. Fahey provided direct assistance to local and state legislators crafting and improving planning, environmental, and related legislation to positively effect change in her communities and the state of Indiana;

Whereas, Ms. Fahey remains active in her community and served in many roles, including: board member, League of Women Voters of Greater Lafayette; chair, Prophetstown State Park Planning and Liaison Committee; director, The Museums at Prophetstown, Inc.; and president and executive committee chair of the Lafayette Neighborhood House Service, Inc.;

Whereas, Ms. Fahey served as a member of the Great Lakes District Advisory Council as part of the Neighborhood Reinvestment Corporation established by Congress in 1978;

Whereas, Ms. Fahey presently serves on the Executive Directors Council for the National Association of Regional Councils;

Whereas, Ms. Fahey has for decades shared her knowledge and expertise with published works, international speaking engagements, and participation and leadership in international conferences on planning;

Whereas, Ms. Fahey earned many awards and accolades for her work on the local, state, national, and international levels, including: Volunteer of the Year, Partners of the Americas, Inc.; Sagamore of the Wabash, Governor Frank O'Bannon; and Honorable Order of Kentucky Colonels, Governor Brereton C. Jones;

Whereas, Ms. Fahey is a devoted civil servant, volunteer, and champion for positive change in her community, the state of Indiana, and the world; and

Whereas, Ms. Fahey retires still loving her job: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Sallie Fahey on the occasion of her retirement.

SECTION 2. That the Indiana House of Representatives honors Sallie Fahey for her many years of service and the positive change that she brings to her community.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Chris Campbell for distribution.

The resolution was read a first time and adopted by voice vote.

House Resolution 27

Representative DeLaney introduced House Resolution 27:

A HOUSE RESOLUTION honoring Judge G. Michael Witte.

Whereas, Judge G. Michael Witte received both his bachelor of arts and juris doctor degrees from Indiana University, served as president of the IU McKinney Law School's Alumni Board in 2009, and was honored in 2008 by the IU Alumni Association with its Distinguished Asian Alumni Award. In 2011, he received the IUPUI Maynard K. Hine medal for significant contributions to campus and alumni programs. He also received from Equal Justice Works the law school's 2012 Public Interest Recognition;

Whereas, Witte is the Executive Secretary of the Indiana Supreme Court Disciplinary Commission. Witte was the first Asian American to serve as judge in the State of Indiana. His 25 year judicial career included service as judge of the Dearborn County Court, Lawrenceburg, from 1985 to 2000, judge of the Dearborn Superior Court No. 1 from 2000 to 2008, and judge of the Wayne Superior Court No. 1, Richmond, in 2009;

Whereas, Witte is a 1991 graduate of the Indiana Judicial College and the 2002 class of the Graduate Program for Indiana Judges, and he is a former member of the Indiana Commission on Courts. Witte served as chair of the ABA Judicial Division in 2011 and served as chair of the ABA

National Conference of Specialized Court Judges in 2006. He currently serves on the ABA Standing Committee on Gavel Awards;

Whereas, From 2006 to 2009, Witte served as co-chair of the ABA Judicial Division's Standing Committee on Minorities in the Judiciary. He received his community's Dr. Martin Luther King Jr. Memorial Award in 2009. In addition, Indiana Minority Business Magazine named Witte a 2010 Champion of Diversity. Witte has been a panelist at many national programs on diversifying the judiciary and improving diversity pipelines to a judicial career, including a 2009 program at the Harvard Law School;

Whereas, Witte served as the National Highway Traffic Safety Administration (NHTSA) Region 5 judicial outreach liaison from 2009 to 2010 and an NHTSA judicial fellow from 1995 to 1998, and he served on the U.S. Congressional Advisory Committee for Commercial Driver's License from 2007 to 2008. Judge Witte has performed NHTSA impaired driving compliance audits for Hawaii, Missouri, Montana, South Carolina, Rhode Island, Kansas, Maryland, Washington, Vermont, and Idaho; and

Whereas, Witte joined the National Judicial College faculty in 1994. Additionally, he has taught for the American Bar Association, NHTSA, the National Center for State Courts, the National Criminal Justice Association, the Indiana Judicial Center, the Indiana State Bar Association, and the Indiana Continuing Legal Education Forum. He teaches primarily in the fields of impaired driving, traffic court administration, and professional responsibility. His legal teaching assignments have occurred in more than 20 states: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives honors and recognizes Judge G. Michael Witte.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Edward DeLaney for distribution.

The resolution was read a first time and adopted by voice vote.

House Concurrent Resolution 34

Representative Aylesworth introduced House Concurrent Resolution 34:

A CONCURRENT RESOLUTION recognizing the Cedar Lake Historical Association Museum.

Whereas, It is the mission of the Cedar Lake Historical Association to present the relevance of Cedar Lake history and its unique culture;

Whereas, The Association's museum, located at 7408 Constitution Avenue in Cedar Lake, is the clearest example of this preservation, with its rich history in the community;

Whereas, The east wing of the museum, constructed in 1890, once sat at the northwest Cedar Lake shoreline and was known as the Armour Bros. Hotel in Armour Town, Indiana, a pioneer village of Cedar Lake;

Whereas, An ice harvesting labor force, brought via the MONON railroad, lodged there in the cold winters of Northern Indiana until 1919;

Whereas, Mr. Chris Lassen purchased the abandoned hotel in 1919 and had it moved over the deeply frozen lake to his thriving resort property on the eastern shore;

Whereas, Lassen added the lakeside wing in addition to a spacious wrap-around porch to take advantage of magnificent

lake views, and the 65-room Lassen's Resort Hotel opened on May 7, 1921;

Whereas, Ms. Beatrice Ewer Horner-Castrogiovanni and 19 concerned citizens held an organizational meeting to form the Cedar Lake Historical Association on July 16, 1977, largely in part to save the old Lassen's Resort Hotel;

Whereas, It was Horner-Castrogiovanni's dream and aspiration to transform the hotel into a local history museum, and the Cedar Lake Historical Association was incorporated on September 22, 1977;

Whereas, she was installed as the association historian and worked diligently to have Lassen's Resort Hotel placed on the state and national registries;

Whereas, Horner-Castrogiovanni achieved both in short order, and the property was listed on the Indiana State Register of Historic Sites and Structures on July 23, 1980, and was added to the National Register of Historic Places on July 7, 1981;

Whereas, she explained, "If you are to disregard the foundation of the past, you can't build for the future";

Whereas, Horner-Castrogiovanni realized her dream at the ribbon cutting ceremony that celebrated the opening of the Lassen's Resort Hotel as the Lake of the Red Cedars museum on October 16, 1986;

Whereas, The innovation, vision, and determination of the citizens that have come before repeatedly transformed the building and the Cedar Lake community itself. As the association prepares to reinvent the building once again as a living history attraction, it will spark economic development in Cedar Lake;

Whereas, Guests are encouraged to discover the same magnificent view of these waters while developing an appreciation for the collaborative efforts of hundreds of volunteers who have worked tirelessly to protect, preserve, and restore the building, which not only acts as a monument but also as an experience that improves the quality of life for Cedar Lake citizens;

Whereas, The town of Cedar Lake established May 7th as Beatrice Ewer Horner-Castrogiovanni Legacy Day; and

Whereas, The residents of Cedar Lake celebrate the opening of this new historical experience on May 7, 2021, also marking the centennial of the grand opening of the Lassen's Resort Hotel: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly commends the Cedar Lake Historical Association and the many volunteers who protect and preserve the history of the Cedar Lake community and the historic Lassen's Resort Hotel.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Michael Aylesworth for distribution.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Niemeyer.

House Concurrent Resolution 35

Representative Gore introduced House Concurrent Resolution 35:

A CONCURRENT RESOLUTION celebrating the 115th anniversary of the founding of International Brotherhood of Electrical Workers Local Union 481.

Whereas, The International Brotherhood of Electrical Workers Local Union 481 was founded in 1906, with ten original electricians;

Whereas, The International Brotherhood of Electrical Workers Local Union 481 now represents more than 3,000 electrical workers from 16 counties;

Whereas, The International Brotherhood of Electrical Workers Local Union 481 brings joy to the community by organizing and installing the Circle of Lights Christmas display on the Soldiers and Sailors monument annually;

Whereas, The International Brotherhood of Electrical Workers Local Union 481 regularly offers outside organizations the use of their union hall for events that aid and better Hoosiers in the community;

Whereas, The International Brotherhood of Electrical Workers Local Union 481 have strong core values of safety, professionalism, accountability, building relationships, and doing quality work; and

Whereas, The International Brotherhood of Electrical Workers Local Union 481 have faithfully served the community with dedication and care for 115 years: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly honors the International Brotherhood of Election Workers Local Union 481 on the occasion of the 115th anniversary of its founding and for its many contributions to the community.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Mitch Gore.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator J.D. Ford.

House Concurrent Resolution 36

Representatives DeLaney, Dvorak, Hatfield, Pierce, Young Steuerwald and Jeter introduced House Concurrent Resolution 36 :

A CONCURRENT RESOLUTION honoring Judge James S. Kirsch.

Whereas, The Honorable James S. Kirsch, Judge of the Indiana Court of Appeals, has announced his retirement after years of distinguished service to the State of Indiana;

Whereas, Judge Kirsch is an Indianapolis native who received his bachelor's degree with honors from Butler University in 1968 and graduated cum laude from the Indiana University Robert H. McKinney School of Law in 1974. He and his wife Jan have two children, Adam and Alexandra;

Whereas, From 1974 to 1988, Judge Kirsch practiced law with the firm of Kroger, Gardis & Regas in Indianapolis in the areas of commercial and business litigation and served as managing partner of the firm. He served as judge of the Marion Superior Court from 1988 to 1994 and as presiding judge of that court in 1992;

Whereas, Judge Kirsch was appointed to the Court of Appeals by Governor Evan Bayh in March 1994 and served as chief judge from March 1, 2004, to February 28, 2007. He was

retained on the court by the voters in three retention elections in 1996, 2006, and 2016;

Whereas, Judge Kirsch has made a prodigious contribution to Indiana law by authoring more than 6,000 decisions of the Court of Appeals that are admired for their sound logic, clear reasoning, and practical results;

Whereas, Since 1990, Judge Kirsch has held an appointment as visiting professor of law and management at the Krannert Graduate School of Management at Purdue University. He has taught law in 30 countries on five continents and currently holds concurrent faculty appointments at the University of Tilburg in the Netherlands and the Central European University in Budapest, Hungary. He is a frequent speaker and lecturer and has served on the faculty of more than 300 continuing legal education programs;

Whereas, Judge Kirsch is a past-president of the Indianapolis Bar Association and of the Indianapolis Bar Foundation and is a former member of the Board of Visitors of the Indiana University Robert H. McKinney School of Law. He is a Fellow of the Indiana State Bar Foundation and of the Indianapolis Bar Foundation. He is a past-president of the United Way/Community Service Council Board of Directors;

Whereas, Judge Kirsch is a current or former member of the Board of Directors of the United Way of Central Indiana, the Board of Associates of Rose Hulman Institute of Technology, and the Boards of Directors of the Goodwill Industries Foundation of Central Indiana, the Community Centers of Indianapolis, the Indianapolis Urban League, the Legal Aid Society of Indianapolis, the Stanley K. Lacy Leadership Association, and the Benjamin Harrison Presidential Site;

Whereas, Judge Kirsch has been named a Sagamore of the Wabash by four different governors; and

Whereas, In 2009, the Indianapolis Bar Association presented Judge Kirsch with its highest award, the Hon. Paul H. Buchanan Award of Excellence, in recognition of "his notable attainments as a lawyer and honorable service to the legal profession over an extended period time": Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly honors and recognizes Judge James S. Kirsch and expresses its appreciation for his service to the State of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Edward DeLaney for distribution.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Taylor, Lanane, Tallian, Randolph, Bray, Charbonneau, Freeman, Glick, Holdman, Koch and Young.

House Concurrent Resolution 37

Representatives Bartlett, Johnson, Porter, Gore, Moed, Pack, Hamilton, DeLaney, Shackelford, Summers and Pryor introduced House Concurrent Resolution 37:

A CONCURRENT RESOLUTION honoring Dr. Virginia Caine.

Whereas, Virginia A. Caine, M.D., is the director of the Marion County Public Health Department;

Whereas, Dr. Caine's work with the health department is critically important during the COVID-19 crisis, and her work

continues to protect Hoosiers across the state in many other ways, including sanitation, restaurant inspections, housing code compliance, immunizations, communicable disease control, health education, and prenatal care coordination;

Whereas, Dr. Caine graduated from the State University of New York Upstate Medical Center in Syracuse. She completed her internal medicine residency at the University of Cincinnati College of Medicine, and she received her infectious diseases fellowship training at the University of Washington in Seattle;

Whereas, Dr. Caine is an associate professor of medicine at the Indiana University School of Medicine Division of Infectious Diseases;

Whereas, Dr. Caine was instrumental in the first nationwide physician educational program regarding AIDS for the National Medical Association. This program was later duplicated by the American Medical Association;

Whereas, Dr. Caine contributed her expertise and passion for public health to the first integrated HIV health care delivery system in Indianapolis to support Hoosiers and local primary care agencies addressing HIV and AIDS;

Whereas, Dr. Caine was the principal investigator for the Health Resources and Services Administration's Ryan White Title III funds. Dr. Caine's work established the first AIDS clinics in major city hospitals and in ten community health centers;

Whereas, Dr. Caine received praise and notoriety for her work in Indianapolis to reduce the black infant mortality rate, which was the highest in the nation. Her work is credited for bringing the black infant mortality rate to its lowest level in the history of Indianapolis, a reduction of 46%;

Whereas, Dr. Caine also works to provide greater public health access through various roles across Indiana, including: chair of the Managed Emergency Surge for Healthcare Coalition; co-chair for the Jump IN for Healthy Kids Advisory Committee; founding member of the Indiana Health Information Exchange; and board member of the Indiana Latino Institute;

Whereas, Dr. Caine's work in infectious diseases is recognized nationally and she contributes her knowledge and skill in many roles, including: chair of the Board of Trustees for the National Medical Association; chair of the Infectious Diseases Section of the National Medical Association; member of the CDC Morbidity and Mortality Weekly Report Editorial Board; and member of the National Biodefense Science Board, which provides expert advice and guidance to the Secretary of the U.S. Department of Health and Human Services and the assistant secretary of preparedness; and

Whereas, Dr. Caine works tirelessly to promote and advance public health through innovative programs and collaborations with local, state, and national stakeholders: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly honors Dr. Virginia A. Caine for her many contributions in her community.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative John Bartlett for distribution.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Taylor, Qaddoura, Breaux, J.D. Ford, K. Walker, Crider and Sandlin.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 17, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 15, delete "Indiana".

(Reference is to SB 17 as reprinted February 23, 2021.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

MCNAMARA, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 36, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 36 as printed January 29, 2021.)

Committee Vote: Yeas 11, Nays 0.

BARRETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 38, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 38 as printed February 5, 2021.)

Committee Vote: Yeas 6, Nays 2.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 54, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 9, begin a new paragraph and insert:

"SECTION 1. IC 20-43-1-12.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 12.6. "FAFSA" refers to the Free Application for Federal Student Aid.**

SECTION 2. IC 20-43-10.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 10.5. FAFSA Completion Incentive Award

Sec. 1. The department shall establish and administer a FAFSA completion incentive pilot program to provide financial awards to qualifying school corporations based on improved FAFSA completion rates.

Sec. 2. Beginning in the state fiscal year beginning July 1, 2022, and ending June 30, 2023, a school corporation qualifies to receive a FAFSA completion incentive award for a particular state fiscal year if, not later than April 30 of the school year ending in that particular state fiscal year, the

school corporation's FAFSA completion rate increased by at least five percent (5%) over the school corporation's FAFSA completion rate that was reported not later than April 30 of the school year ending in the previous state fiscal year.

Sec. 3. A qualifying school corporation's FAFSA completion incentive award for a state fiscal year is the amount determined using the following formula:

STEP ONE: Multiply five hundred dollars (\$500) by the school corporation's complexity index for the school year ending in that particular state fiscal year. STEP TWO: Multiply the STEP ONE amount by the number of the school corporation's students who completed the FAFSA in the school year ending in that particular state fiscal year.

Sec. 4. The department shall distribute FAFSA completion incentive awards under this chapter on August 1 of the state fiscal year immediately following the state fiscal year in which a school corporation is determined to qualify for an award under this chapter."

Page 4, line 10, delete "(c)" and insert "**Sec. 5.**".

Page 4, line 12, delete "carry out this section." and insert "**make the determinations required under this chapter.**".

Page 4, line 15, delete "section" and insert "**chapter**".

Page 4, line 19, delete "subsection" and insert "**chapter**".

Page 4, line 20, delete "a grant" and insert "**an award**".

Page 4, line 20, delete "section." and insert "**chapter.**".

Page 4, line 36, delete "a grant" and insert "**an award**".

Page 4, line 37, delete "20-43-10-4" and insert "**20-43-10.5**".

Page 5, after line 3, begin a new paragraph and insert:

"SECTION 4. IC 21-18-6-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 7. The commission shall provide information to the department of education as required under IC 20-43-10.5-5.**"

Renumber all SECTIONS consecutively.

(Reference is to ESB 54 as printed March 11, 2021.)

and when so amended that said bill do pass.

Committee Vote: yeas 21, nays 1.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 55, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 11, delete "solely".

(Reference is to SB 55 as printed February 17, 2021.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 69, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 69 as reprinted February 23, 2021.)

Committee Vote: Yeas 7, Nays 3.

PRESSEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred Senate Bill 94, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 94 as reprinted January 27, 2021.)

Committee Vote: Yeas 12, Nays 0.

VANNATTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 97, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 97 as printed January 12, 2021.)

Committee Vote: Yeas 10, Nays 2.

MILLER D, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 98, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 98 as printed January 13, 2021.)

Committee Vote: Yeas 23, Nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 186, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, line 28, reset in roman "an investigator".

Page 6, line 28, delete "to employees".

Page 6, line 30, reset in roman "investigators".

Page 6, line 30, delete "employees".

Page 6, line 31, reset in roman "investigator".

Page 6, line 31, delete "employee".

Page 9, delete lines 29 through 42.

Delete page 10.

(Reference is to SB 186 as printed February 19, 2021.) and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

MCNAMARA, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 188, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 19, line 10, delete "or" and insert "and".

Page 26, delete lines 26 through 27, begin a new line double block indented and insert:

"(A) The date the apparent owner reaches the age at which the Internal Revenue Service requires a minimum distribution from the account, if

determinable by the holder."

Page 31, line 36, after "loan;" insert "and".

Page 31, delete lines 37 through 39.

Page 34, line 41, after "property" insert "that is".

Page 35, delete lines 27 through 30.

Page 39, line 36, after "property" insert "with a value greater than one hundred dollars (\$100)".

Page 42, line 42, after "believed" insert "was".

Page 43, line 6, after "believed" insert "was".

Page 68, delete lines 31 through 42, begin a new paragraph and insert:

"Sec. 89. (a) Beginning July 1, 2023, property that:

(1) was not required to be reported before July 1, 2021; and

(2) did not become presumed abandoned until after January 1, 2022;

must be included in a holder's reports under section 20 of this chapter and part of a holder's maintained records under section 23 of this chapter."

Page 69, delete line 1.

Page 69, delete lines 8 through 9, begin a new paragraph and insert:

"Sec. 90. (a) The attorney general may adopt rules under IC 4-22-2 to carry out the purposes of this chapter.

(b) The attorney general shall adopt rules under IC 4-22-2 regarding virtual currency and digital assets."

(Reference is to SB 188 as reprinted February 23, 2021.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 204, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 204 as reprinted February 16, 2021.)

Committee Vote: Yeas 10, Nays 0.

BARRETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 232, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to ESB 232 as printed March 16, 2021.)

Committee Vote: Yeas 22, Nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 234, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-3-4-8.1, AS AMENDED BY P.L.137-2012, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8.1. (a) Any entity that is required to file a monthly return and make a

monthly remittance of taxes under sections 8, 12, 13, and 15 of this chapter shall file those returns and make those remittances twenty (20) days (rather than thirty (30) days) after the end of each month for which those returns and remittances are filed, if that entity's average monthly remittance for the immediately preceding calendar year exceeds one thousand dollars (\$1,000).

(b) The department may require any entity to make the entity's monthly remittance and file the entity's monthly return twenty (20) days (rather than thirty (30) days) after the end of each month for which a return and payment are made if the department estimates that the entity's average monthly payment for the current calendar year will exceed one thousand dollars (\$1,000).

(c) If the department determines that a withholding agent is not withholding, reporting, or remitting an amount of tax in accordance with this chapter, the department may require the withholding agent:

- (1) to make periodic deposits during the reporting period; and
- (2) to file an informational return with each periodic deposit.

(d) If the department determines that an entity's:

- (1) estimated monthly withholding tax remittance for the current year; or
- (2) average monthly withholding tax remittance for the preceding year;

exceeds five thousand dollars (\$5,000), the entity shall remit the monthly withholding taxes due by electronic fund transfer (as defined in IC 4-8.1-2-7) or by delivering in person or by overnight courier a payment by cashier's check, certified check, or money order to the department. The transfer or payment shall be made on or before the date the remittance is due.

(e) An entity that withholds taxes shall file the withholding tax report and remit withholding taxes electronically through the department's online tax filing program.

(f) Beginning after June 30, 2021, the department shall provide a notice, by electronic means, to each employer:

- (1) that is registered in the department's online tax filing program; and**
- (2) whose employer's:**
 - (A) Form WH-1 monthly withholding tax report; or**
 - (B) withholding tax remittance;**

is past due.

The notice under this subsection shall be made by the department not more than seven (7) days after the date the employer's Form WH-1 monthly withholding tax report or employer's withholding taxes become due. The department may provide the notice under this subsection by advising the employer to check the employer's online portal account for an important message and that the department may not have received the employer's Form WH-1 monthly withholding tax report or employer's withholding tax remittance, or both, if applicable, when due."

Page 4, between lines 17 and 18, begin a new paragraph and insert:

"Sec. 9. The department shall provide notice to an employer when a payment of taxes pursuant to IC 6-3-4 has been remitted by either the employer or the payroll service provider or any other entity that pays the taxes on behalf of the employer. The department may provide the notice under this section by advising the employer to check the employer's online portal account."

Page 4, line 18, delete "9." and insert "10."

Page 4, line 25, delete "taxes." and insert "failure to remit taxes collected by a payroll service provider."

Renumber all SECTIONS consecutively.
(Reference is to ESB 234 as printed March 18, 2021.)
and when so amended that said bill do pass

Committee Vote: yeas 11, nays 0.

MCNAMARACHair.

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 240, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 240 as printed February 5, 2021.)

Committee Vote: Yeas 9, Nays 0.

BARRETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 255, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 255 as printed January 29, 2021.)

Committee Vote: Yeas 11, Nays 0.

MCNAMARA, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Senate Bill 259, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 8, delete "Section" and insert "**In addition to subsection (a), section**".

Page 2, delete lines 10 through 42, begin a new paragraph and insert:

"SECTION 2. IC 29-3-5-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 4.1. (a) As used in this section, "disability" has the meaning set forth in 42 U.S.C. 12102.**

(b) In considering the qualifications and suitability of an individual with a disability for appointment as a guardian under section 4 of this chapter, a court:

- (1) shall not discriminate against; and**
- (2) shall take into consideration the provision of reasonable accommodations to;**

the individual as provided under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 through 42 U.S.C. 12134), and other applicable state and federal law.

(c) If an individual is a qualified individual with a disability, as defined by 42 U.S.C. 12131(2), there is a rebuttable presumption that the individual's disability, and any reasonable accommodation for the disability, does not make the individual unfit to serve as a guardian.

(d) If a court does not appoint an individual as a guardian due to the individual's disability, the court shall make specific written findings setting forth:

- (1) the basis for the court's determination; and**
- (2) how the rebuttable presumption under subsection (c) was overcome."**

Page 3, delete line 1.

Page 3, line 31, delete "Section", begin a new paragraph and insert:

"(c) In addition to this section, section".

Page 4, line 26, delete "(a)".

Page 4, delete lines 29 through 42, begin a new paragraph and insert:

"SECTION 6. IC 31-17-2-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8.1. (a) As used in this section, "disability" has the meaning set forth in 42 U.S.C. 12102.

(b) A court in a custody proceeding, including a proceeding to modify custody:

(1) shall not discriminate against; and

(2) shall take into consideration the provision of reasonable accommodations to;

a parent who is a person with a disability, as provided under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 through 42 U.S.C. 12134), and other applicable state and federal law.

(c) If a person is a qualified individual with a disability, as defined by 42 U.S.C. 12131(2), there is a rebuttable presumption that the individual's disability, and any reasonable accommodation for the disability, does not make the person unfit to parent.

(d) If a court denies custody to a parent, or modifies a parent's custody in a manner that restricts the parent's custody, due to the parent's disability, the court shall make specific written findings setting forth:

(1) the basis for the court's determination; and

(2) how the rebuttable presumption under subsection

(c) was overcome."

Page 5, delete lines 1 through 23.

Page 6, delete lines 11 through 42, begin a new paragraph and insert:

"SECTION 8. IC 31-17-4-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.1. (a) As used in this section, "disability" has the meaning set forth in 42 U.S.C. 12102.

(b) A court in a proceeding to determine or modify parenting time:

(1) shall not discriminate against; and

(2) shall take into consideration the provision of reasonable accommodations to;

a parent who is a person with a disability, as provided under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 through 42 U.S.C. 12134), and other applicable state and federal law.

(c) If a person is a qualified individual with a disability, as defined by 42 U.S.C. 12131(2), there is a rebuttable presumption that the individual's disability, and any reasonable accommodation for the disability, does not make the person unfit to parent.

(d) If a court denies or unreasonably restricts a parent's parenting time due to the parent's disability, the court shall make specific written findings setting forth:

(1) the basis for the court's determination; and

(2) how the rebuttable presumption under subsection

(c) was overcome."

Page 7, delete lines 1 through 5.

Page 8, line 26, delete "Section" and insert **"In addition to this section, section".**

Page 8, delete lines 28 through 42, begin a new paragraph and insert:

"SECTION 10. IC 31-19-11-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.1. (a) As used

in this section, "disability" has the meaning set forth in 42 U.S.C. 12102.

(b) A court, in determining whether to grant a petition for adoption:

(1) shall not discriminate against; and

(2) shall take into consideration the provision of reasonable accommodations to;

a petitioner who is a person with a disability, as provided under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 through 42 U.S.C. 12134), and other applicable state and federal law.

(c) If a person is a qualified individual with a disability, as defined by 42 U.S.C. 12131(2), there is a rebuttable presumption that the individual's disability, and any reasonable accommodation for the disability, does not make the person unfit to adopt.

(d) If a court denies a petition for adoption due to a petitioner's disability, the court shall make specific written findings setting forth:

(1) the basis for the court's determination; and

(2) how the rebuttable presumption under subsection

(c) was overcome.

SECTION 11. IC 31-25-2-10, AS AMENDED BY P.L.131-2009, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) This section applies after June 30, 2008.

(b) The department of child services:

(1) must have sufficient qualified and trained staff to:

(A) fulfill the purpose of this article;

(B) comply with the maximum caseload ratios for:

(i) family case managers; and

(ii) child welfare caseworkers;

as set forth in IC 31-25-2-5;

(2) must be organized to maximize the continuity of responsibility, care, and service of individual family case managers toward individual children and families;

(3) must provide training to representatives of the department regarding the legal duties of the representatives in carrying out the responsibility of the department under section 7 of this chapter, which may consist of various methods of informing the representatives of their duties, in order to protect the legal rights and safety of children and families from the initial time of contact during the investigation through treatment; and

(4) must provide training to representatives of the child protection services system regarding the constitutional rights of the child's family, including a child's guardian or custodian, that is the subject of an assessment of child abuse or neglect consistent with the Fourth Amendment to the United States Constitution and Article 1, Section 11 of the Constitution of the State of Indiana; and

(5) shall collaborate with organizations representing persons with disabilities to provide appropriate training programs conducted by a person with a disability to educate departmental employees in the rights and capabilities of persons with disabilities.

SECTION 12. IC 31-27-4-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6.5. (a) As used in this section, "disability" has the meaning set forth in 42 U.S.C. 12102.

(b) The department, in determining whether to grant an application for a license to operate a foster family home:

(1) shall not discriminate against; and

(2) shall take into consideration the provision of reasonable accommodations to;

an applicant who is a person with a disability, as provided under Section 504 of the Rehabilitation Act of 1973 (29

U.S.C. 794), Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 through 42 U.S.C. 12134), and other applicable state and federal law.

(c) If a person is a qualified individual with a disability, as defined by 42 U.S.C. 12131(2), there is a rebuttable presumption that the individual's disability, and any reasonable accommodation for the disability, does not make the person unfit to hold a license to operate a foster family home.

(d) If the department does not issue a license to operate a foster family home to an applicant due to the applicant's disability, the department shall make specific written findings setting forth:

- (1) the basis for the department's determination; and
- (2) how the rebuttable presumption under subsection (c) was overcome."

Delete pages 9 through 11.

Renumber all SECTIONS consecutively.

(Reference is to SB 259 as printed February 16, 2021.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

DEVON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 275, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-4-43.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: **Sec. 43.5. This section applies to a taxpayer that files a notice under IC 6-1.1-15 after December 31, 2021, requesting a review of the assessment of the taxpayer's real property that is subject to this section. A taxpayer must provide to the appropriate county or township assessing official information concerning the actual construction costs for the real property. Notwithstanding IC 6-1.1-15, if a taxpayer does not provide all relevant and reasonably available information concerning the actual construction costs for the real property before the hearing scheduled by the county property tax assessment board of appeals regarding the assessment of the real property, the appeal may not be reviewed until all the information is provided. If a taxpayer has not provided all relevant and reasonably available information concerning the actual construction costs of the property under appeal within ten (10) days prior to the scheduled hearing by the county property tax assessment board of appeals, the appeal is deemed void for that assessment year and may not be refiled or appealed.**

SECTION 2. IC 6-1.1-15-10.7, AS ADDED BY P.L.180-2016, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: Sec. 10.7. (a) The county fiscal body may adopt an ordinance to provide that the county assessor be reimbursed for certain costs incurred by the county assessor in defending an appeal under this chapter that is uncommon and infrequent in the normal course of defending appeals under this chapter. Costs include appraisal, legal, and expert witness fees incurred in defending an appeal.

(b) The ordinance must specify:

- (1) the appeal or appeals and why they are uncommon and infrequent;
- (2) a detailed list of expenses incurred by fund and by parcel number; and
- (3) that the county auditor will deduct the expenses listed

in the ordinance from property tax receipts collected in the taxing district in which the parcel is located before apportioning receipts to taxing units for the next semiannual settlement under IC 6-1.1-27.

(c) Property tax receipts that are collected under this section must be deposited in the county fund that incurred the initial expense.

(d) Expenses for an appeal that are deducted from a civil taxing unit's property tax revenue under this section are not considered to be part of a payment of a refund resulting from an appeal for purposes of a maximum permissible property tax levy appeal under IC 6-1.1-18.5-16."

Renumber all SECTIONS consecutively.

(Reference is to SB 275 as reprinted February 5, 2021.)
and when so amended that said bill do pass.

Committee Vote: yeas 18, nays 4.

BROWN, T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 304, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 304 as reprinted February 9, 2021.)

Committee Vote: Yeas 9, Nays 0.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 305, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 2 with "[EFFECTIVE JANUARY 1, 2022]".

(Reference is to SB 305 as printed January 29, 2021.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

BARRETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 316, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to ESB 316 as printed March 16, 2021.)

Committee Vote: Yeas 22, Nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 332, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 7, after "notice" insert "**as provided by section 1 of this chapter**".

Page 33, delete lines 25 through 42.

Delete pages 34 through 36.

Page 37, delete lines 1 through 16.

Page 47, after line 36, begin a new paragraph and insert:

"SECTION 42. [EFFECTIVE JULY 1, 2021] (a) As used in this SECTION, "HSPA" refers to the Hoosier State Press Association.

(b) As used in this SECTION, "legislative council" refers to the legislative council created by IC 2-5-1.1-1.

(c) The legislative council shall prepare recommendations for potential legislation regarding publication of public notices on political subdivision Internet web sites that:

(1) is consistent with SEA 332-2021; and

(2) considers the recommendations and goals set forth in subsection (d).

(d) Not later than October 1, 2021, the HSPA shall provide a written report to the legislative council as set forth in subsection (e) of the HSPA's recommendations for accomplishing the following goals:

(1) Promoting efficient and economic expenditure of taxpayer funds while satisfying the legal requirements for providing public notice.

(2) Promoting the general public's accessibility to public notices and information regarding a political subdivision's activities. The recommendations shall include web site features that enhance user access to public notices, web site organization, and search functionality.

(3) Ensuring the verifiability of publication dates and accuracy of public notices that are published electronically, including:

(A) execution of sworn affidavits by the publishing entity acknowledging the veracity and time of publication of public notices;

(B) archiving public notices in the event the publication of the notice is challenged; and

(C) separation of or independence from the person or entity performing the routine publication of notices and the political subdivision.

(4) Examining ways to allow electronic publication of notices of mortgage foreclosures and sheriff's sales under IC 32-29-7-3 and IC 34-55-6-9.

(e) The report required under this SECTION shall be submitted in an electronic format under IC 5-14-6 to the executive director of the legislative services agency, who shall provide the report to the legislative council.

(f) This SECTION expires January 1, 2022."

Renummer all SECTIONS consecutively.

(Reference is to SB 332 as printed February 9, 2021.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

MILLER D, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 336, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 16, reset in roman "acquisition cost".

Page 2, line 17, delete "assessed value".

Page 2, line 18, strike "forty thousand dollars (\$40,000)" and insert "**sixty thousand dollars (\$60,000)**".

Page 2, delete lines 21 through 33.

Page 2, line 34, reset in roman "(e)".

Page 2, line 34, delete "(f)".

Page 3, line 2, reset in roman "acquisition costs".

Page 3, line 2, delete "assessed values".

Page 3, line 4, reset in roman "acquisition costs".

Page 3, line 4, delete "assessed values".

(Reference is to SB 336 as printed January 29, 2021.) and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 8.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred Senate Bill 361, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 361 as printed January 29, 2021.)

Committee Vote: Yeas 11, Nays 0.

VANNATTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 365, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 39 through 42, begin a new paragraph and insert:

"Sec. 7. (a) A:

(1) wellness program;

(2) director, volunteer, or employee of a wellness program; and

(3) physician peer coach or licensed health care provider who evaluates or addresses issues relating to the wellness of a physician as part of a wellness program;

may not be named as a party in a civil action with respect to an official act taken in good faith and in furtherance of the work of the wellness program.

(b) A person acting without malice who gives information to a person described in subsection (a) relating to the treatment or evaluation of a licensed physician by a wellness program may not be named as a party in a civil action with respect to the provision of information."

Page 4, delete lines 1 through 18.

(Reference is to SB 365 as printed February 19, 2021.) and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 368, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 29, after "eighty" delete "days".

Page 3, delete lines 1 through 6.

Page 3, line 12, after "chapter." insert "**The date the petition is considered to be filed is the date when the child is found to be competent.**".

Page 4, line 8, delete "interest" and insert "**interests**".

Page 4, line 14, delete "interest" and insert "**interests**".

Page 4, line 35, delete "determine" and insert "**determined**".

Page 6, line 18, delete "child" and insert "**probation officer**".

Page 6, line 41, delete "be a misdemeanor" and insert "**not be a felony**".

Page 7, line 8, delete "be a misdemeanor" and insert "**not be a felony**".

Page 7, line 22, delete "be a misdemeanor" and insert "**not be a felony**".

Page 9, line 22, delete "or".

Page 9, between lines 22 and 23, begin a new line block indented and insert:

"(2) a violation of IC 35-47-2; or".

Page 9, line 23, delete "(2)" and insert "(3)".

Page 10, after line 10, begin a new paragraph and insert:

"SECTION 6. IC 31-41-2-1, AS ADDED BY P.L.66-2015, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. After a juvenile court has determined that a child is a dual status child, the juvenile court ~~shall~~ **may** refer the child to be assessed by a dual status assessment team **after**:

(1) considering the reports provided pursuant to IC 31-34-7-2 or IC 31-37-8-5; or

(2) making a determination pursuant to IC 31-34-10-2(e) or IC 31-37-12-2(e).

However, all children identified as a dual status child under IC 31-41-1-2(1) through IC 31-41-1-2(3), or IC 31-41-1-2(6), shall be referred to the dual status assessment team."

Renumber all SECTIONS consecutively.

(Reference is to SB 368 as reprinted February 23, 2021.) and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

MCNAMARA, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 383, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 34 with "[EFFECTIVE JULY 1, 2021]".

Page 3, delete lines 6 through 8 and insert "**A payment required to be made in the manner prescribed in subsection (d), but not paid in such a prescribed manner, shall be subject to the penalty provided in IC 6-8.1-10-2.1(b)(5).**".

Page 5, line 28, delete "customer" and insert "**customer's**".

Page 5, line 32, delete "or equipment which".

Page 5, delete lines 33 through 35.

Page 5, line 36, delete "capacitors, and superconducting magnets,".

Page 5, line 39, delete "customer" and insert "**customer's**".

Page 5, line 42, delete "For purposes of" and insert "**As used in**".

Page 6, line 2, delete "act as a direct" and insert "**directly contribute to the safety of the general public or workers of the public works project or serve to inform them of the associated dangers. The term includes:**

- (1) concrete or metal barriers;**
- (2) barrels;**
- (3) barricades;**
- (4) temporary pavement markings;**
- (5) materials to construct temporary traffic lanes, roads, and bridges;**
- (6) erosion control and drainage materials;**
- (7) aggregates used to set grades;**
- (8) cones;**
- (9) rumble stripes;**
- (10) temporary curbs or speed bumps; and**
- (11) static and electronic signage and signals.**

The term does not include hard hats, safety glasses, safety vests, pest control, or other personal protective equipment used or worn by employees of the construction contractor or subcontractors.

(b) Transactions involving public safety equipment and

materials are exempt from the state gross retail tax if the equipment or material is predominately used by the purchaser to protect the general public and workers during the purchaser's performance of public works construction or maintenance. However, transactions involving hard hats, safety glasses, safety vests, pest control, or other personal protective equipment used or worn by employees of the construction contractor or subcontractors are not exempt from the state gross retail tax under this section."

Page 6, delete lines 3 through 20.

Page 9, line 17, after "6-2.5-4-5(b)" delete "." and insert "**, unless the department revokes the exemption certificate."**

Page 9, line 17, reset in roman "Within thirty (30) days after the final day of each".

Page 9, reset in roman lines 18 through 22.

Page 9, line 23, reset in roman "during the calendar year quarter."

Page 27, delete lines 9 through 17, begin a new paragraph and insert:

"(i) If a partner is required to include an item of income, a deduction, or another tax attribute in the partner's adjusted gross income tax return pursuant to IC 6-3-4.5, such item shall be considered to be includible in the partner's federal adjusted gross income or federal taxable income, regardless of whether such item is actually required to be reported by the partner for federal income tax purposes. For purposes of this subsection:

(1) items for which a valid election is made under IC 6-3-4.5-6, IC 6-3-4.5-8, or IC 6-3-4.5-9 shall not be required to be included in the partner's adjusted gross income or taxable income; and

(2) items for which the partnership did not make an election under IC 6-3-4.5-6, IC 6-3-4.5-8, or IC 6-3-4.5-9, but for which the partnership is required to remit tax pursuant to IC 6-3-4.5-18, shall be included in the partner's adjusted gross income or taxable income."

Page 27, line 25, delete "taxation".

Page 27, line 26, delete "under" and insert "**the requirements of**".

Page 29, line 23, delete "and" and insert ",".

Page 29, line 23, after "IC 6-3.1," insert "**and IC 6-3.6,**".

Page 30, line 29, delete "For purposes of this" and insert "**A payment required to be made in the manner prescribed in subsection (f), but not paid in such a prescribed manner, shall be subject to the penalty provided in IC 6-8.1-10-2.1(b)(5).**".

Page 30, delete lines 30 through 32.

Page 37, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 16. IC 6-3-4-15.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 15.1. For purposes of IC 6-3-4-12, IC 6-3-4-13, and IC 6-3-4-15, the department may:

(1) prescribe procedures by which a pass through entity remits tax on behalf of partners, shareholders, and beneficiaries who are considered residents for purposes of those sections in the same manner as tax is remitted for partners, shareholders, and beneficiaries who are considered nonresidents for purposes of those sections, provided that such procedures do not relieve filing requirements otherwise applicable to partners, shareholders, and beneficiaries who are considered residents for purposes of those sections;

(2) prescribe special procedures for persons or entities that are otherwise subject to withholding under those sections but who may have circumstances such that a standard tax computation may result in excess withholding;

- (3) prescribe procedures for individuals and trusts that are residents for part of the taxable year and nonresidents for part of the taxable year; and
- (4) prescribe procedures by which an entity subject to those sections may request alternative withholding arrangements, provided that such arrangements do not jeopardize the tax otherwise due under IC 6-3 or IC 6-5.5."

Page 37, line 36, delete "Federal".

Page 38, between lines 3 and 4, begin a new line block indented and insert:

"(3) 'Affected year' means any taxable year for a taxpayer that is affected by an adjustment under this chapter, regardless of whether the partnership has received an adjustment for that taxable year."

Page 38, line 4, delete "(3)" and insert "(4)".

Page 38, line 6, delete "(4)" and insert "(5)".

Page 38, line 13, delete "(5)" and insert "(6)".

Page 38, line 15, delete "(6)" and insert "(7)".

Page 38, line 19, delete "(7)" and insert "(8)".

Page 38, line 25, after "return," insert "a".

Page 38, line 32, delete "(8)" and insert "(9)".

Page 38, line 37, delete "(9)" and insert "(10)".

Page 39, line 1, delete "(10)" and insert "(11)".

Page 39, line 23, delete "(11)" and insert "(12)".

Page 39, line 26, delete "(12)" and insert "(13)".

Page 39, line 30, delete "(13)" and insert "(14)".

Page 39, line 32, delete "(14)" and insert "(15)".

Page 39, line 34, delete "(15)" and insert "(16)".

Page 39, line 37, delete "(16)" and insert "(17)".

Page 40, line 1, delete "(17)" and insert "(18)".

Page 40, line 2, delete "(18)" and insert "(19)".

Page 40, line 7, delete "(19)" and insert "(20)".

Page 40, line 13, delete "(20)" and insert "(21)".

Page 40, line 16, delete "(21)" and insert "(22)".

Page 40, line 27, after "partners" delete "." and insert ", according to Section 6225 of the Internal Revenue Code and the regulations under that section."

Page 40, line 28, delete "(22)" and insert "(23)".

Page 40, line 30, delete "(23)" and insert "(24)".

Page 40, line 33, delete "(24)" and insert "(25)".

Page 40, line 36, delete "(25)" and insert "(26)".

Page 40, line 40, delete "(26)" and insert "(27)".

Page 41, line 3, delete "(27)" and insert "(28)".

Page 41, line 10, delete "(28)" and insert "(29)".

Page 41, line 12, delete "(29)" and insert "(30)".

Page 41, line 27, after "paid" insert "or otherwise reported".

Page 41, line 34, after "return" insert "or in any other manner".

Page 41, line 37, after "return" insert "or in any other manner".

Page 42, delete lines 6 through 12, begin a new line block indented and insert:

"(7) With respect to partnerships and tiered partners:

(A) a partner that is a partnership that receives a report of partnership adjustments, receives a final federal adjustment, or files an amended return is considered a tier one (1) entity;

(B) a tiered partner that is a direct partner of a tier one (1) entity is considered a tier two (2) entity; and

(C) each tiered partner that is an owner, beneficiary, or partner of an entity that is a tier two (2) entity or higher shall be assigned a tier number that is one (1) tier higher and is considered an entity in that tier.

If, after application of this subdivision, a tiered partner is assigned to more than one (1) tier, the tiered partner shall be treated as being assigned to the highest numerical tier to which the tiered partner could be assigned.

(8) In the case of a partnership or tiered partner that is assigned a numerical tier, the applicable deadline for purposes of this chapter is:

(A) in the case of a tier one (1) entity receiving a report of partnership adjustments, ninety (90) days from the date the report of partnership adjustments is final;

(B) in the case of a tier one (1) entity that has received a final federal determination, one hundred eighty (180) days from the final determination date;

(C) in the case of a tier one (1) entity that has filed an amended return under this chapter other than an amended return resulting from a final federal determination, zero (0) days; and

(D) in the case of a tiered partner that has received adjustments resulting from a tier one (1) partnership, a number of days equal to:

(i) the number of days described in clauses (A) through (C), as applicable; plus

(ii) thirty (30) multiplied by the tier number assigned to the tiered partner; minus

(iii) thirty (30).

However, if a tiered partner receives an adjustment reported on a partnership audit tracking report under Section 6226 of the Internal Revenue Code, the time period applicable for the tiered partner is the longer of the time period described in clause (D) or ninety (90) days from the date prescribed in Section 6226(b)(4)(B) of the Internal Revenue Code, and any other applicable deadlines under this subdivision or subdivision (9).

(9) In the case of a direct partner or indirect partner that is not a tiered partner, the applicable deadline for purposes of this chapter is ninety (90) days after the applicable deadline that is determined for the partnership or tiered partner under subdivision (8). If a direct partner or indirect partner described in this subdivision is subject to more than one (1) applicable deadline, the applicable deadline is the latest date determined under this subdivision."

Page 42, line 24, after "The" insert "preliminary".

Page 42, line 28, after "If the" insert "preliminary".

Page 42, line 35, delete "an assessment under IC 6-8.1-5-2" and insert "a proposed assessment under IC 6-8.1-5".

Page 43, line 1, after "report of" insert "proposed".

Page 43, line 3, after "report of" insert "proposed".

Page 43, line 10, after "report of" insert "proposed".

Page 43, line 12, delete "6-8.1-5-2," and insert "6-8.1-5,".

Page 43, line 13, after "report of" insert "proposed".

Page 43, line 16, delete "final" and insert "a final report of partnership adjustments".

Page 43, line 18, after "report of" insert "proposed".

Page 43, line 22, delete "6-8.1-5-2," and insert "6-8.1-5,".

Page 43, line 28, delete "to a tax attribute".

Page 43, line 29, after "report of" insert "proposed".

Page 43, line 30, delete "an adjusted report of" and insert "a report of final".

Page 43, line 34, after "(a)(3)." insert "If the report of final partnership adjustments is not issued within one hundred eighty (180) days, one (1) day for each day that the report of final partnership adjustments is issued after the one hundred eighty (180) day deadline is added to the deadline for which a partnership or tiered partner may act without being subject to assessment under section 18 of this chapter. In the case of a partnership with multiple tiers, this extension applies to each tier."

Page 43, line 37, after "report of" insert "proposed".

Page 43, line 38, after "report of" insert "final".

Page 43, line 40, delete "considered" and insert "issued".

Page 44, line 2, delete "ninety (90)" and insert "the

applicable deadline:".

Page 44, line 3, delete "days thereafter:".

Page 44, line 9, after "shall" insert ", **not later than the applicable deadline for the tiered partner:**".

Page 44, delete lines 10 through 11.

Page 44, line 12, after "return" insert "**for the taxable year and for any other affected year**".

Page 44, line 16, after "beneficiary" insert ", **or a report,**".

Page 44, delete lines 21 through 40.

Page 44, line 41, delete "(e) Except as provided under subsection (b) or (c), upon" and insert "**(c) Upon**".

Page 45, line 4, delete "taxable year affected by the adjustment" and insert "**affected year**".

Page 45, line 5, delete "not more than ninety (90) days after receiving the report" and insert "**not later than the applicable deadline for the partner.**".

Page 45, delete lines 6 through 9.

Page 45, line 10, delete "(f)" and insert "**(d)**".

Page 45, line 12, after "has" insert "**been**".

Page 45, line 12, after "report of" insert "**proposed**".

Page 45, line 15, after "report of" insert "**final**".

Page 45, line 16, after "report of" insert "**final**".

Page 45, line 19, after "report of" insert "**proposed**".

Page 45, line 25, delete "section 10" and insert "**an election under section 9(c)**".

Page 45, line 27, delete "section 10(c)".

Page 45, line 28, delete "of this chapter," and insert "**this chapter to report and remit any tax due at the partnership level for a taxable year,**".

Page 45, line 30, after "partnership adjustments" insert "**for that taxable year.**".

Page 45, delete lines 31 through 42.

Page 46, delete lines 1 through 10.

Page 46, line 29, delete "year that is treated as being attributable to a review" and insert "**year;**".

Page 46, delete line 30.

Page 46, line 33, delete "in the" and insert "**or a report in the form and**".

Page 46, line 41, delete "and", begin a new line block indented and insert:

"(2) any tiered partners shall, not later than the applicable deadline for the tiered partner:

(A) file an amended return and, if applicable, remit any tax due under IC 6-3, IC 6-3.6, or IC 6-5.5, including any amounts due under IC 6-3-4-12, IC 6-3-4-13, IC 6-3-4-15, or IC 6-5.5-2-8; and

(B) report any adjustments to the tiered partner's owners or beneficiaries by providing amended statements to the tiered partner's owners or beneficiaries, or a report in the form and manner prescribed by the department; and"

Page 47, line 1, delete "(2) any partners" and insert "**(3) any direct or indirect partners who are not tiered partners and who are**".

Page 47, line 5, delete "not more than:" and insert "**not later than the applicable deadline for the partner.**".

Page 47, delete lines 6 through 37.

Page 47, line 38, delete "(d)" and insert "**(c)**".

Page 47, line 41, delete "subsection (b)(1)," and insert "**this section,**".

Page 48, line 1, delete "subsection (b)(1)," and insert "**this section,**".

Page 48, line 2, delete "a report or" and insert "**an amended partnership return.**".

Page 48, delete line 3.

Page 48, line 12, delete "section 10" and insert "**an election under section 9(c)**".

Page 48, line 13, delete "section 10 of".

Page 48, line 14, delete "chapter," and insert "**chapter to report and remit all tax otherwise due at the partnership**

level for a taxable year,".

Page 48, line 16, after "section" insert "**for that taxable year.**".

Page 48, delete lines 17 through 24.

Page 48, line 25, delete "(e)" and insert "**(d)**".

Page 48, delete lines 32 through 42.

Page 49, delete lines 1 through 13.

Page 49, line 14, delete "10. (a) Except for the distributive share of adjustments that" and insert "**9. (a)**".

Page 49, delete lines 15 through 16.

Page 49, line 17, delete "to section 2(4)(B) of this chapter, partnerships" and insert "**Partnerships**".

Page 49, line 24, delete "one hundred eighty (180) days after the".

Page 49, line 25, delete "final determination date," and insert "**the applicable deadline,**".

Page 49, line 35, delete "return;" and insert "**return by an amended statement or a report in the form and manner prescribed by the department;**".

Page 49, line 36, delete "a" and insert "**an amended**".

Page 49, line 36, delete "a" and insert "**an amended**".

Page 50, line 2, delete "date prescribed in" and insert "**applicable deadline:**".

Page 50, delete line 3.

Page 50, line 4, after "return" insert "**as provided in section 8 of this chapter**".

Page 50, line 19, delete "one hundred eighty (180) days after the final" and insert "**the applicable deadline,**".

Page 50, line 20, delete "determination date,".

Page 50, line 25, delete "two hundred seventy (270)" and insert "**ninety (90)**".

Page 50, line 26, delete "final determination date," and insert "**applicable deadline,**".

Page 51, line 6, after "determine" insert "**in**".

Page 51, line 7, after "subject" insert "**to tax**".

Page 51, line 33, delete "estate" and insert "**estate,**".

Page 52, between lines 2 and 3, begin a new line blocked left and insert:

"If a partnership has made an election under this chapter to report and remit all tax otherwise due at the partnership level for a taxable year, the partnership shall be considered to have made a timely election under this subsection with regard to any changes arising from an amended return under this section for that taxable year."

Page 52, line 6, delete "unitary".

Page 52, line 7, delete "partner; and" and insert "**partner that is either a corporation taxable under IC 6-3-2-1(b), IC 6-3-2-1.5, or IC 6-5.5-2-1 and is considered unitary to the partnership;**".

Page 52, line 9, delete "request." and insert "**request; or**".

Page 52, between lines 9 and 10, begin a new line block indented and insert:

"(3) any other circumstances that the department determines would result in avoidance or evasion of any tax otherwise due from one (1) or more partners under IC 6-3 or IC 6-5.5."

Page 52, line 15, delete "11." and insert "**10.**".

Page 52, line 21, delete "10(c)" and insert "**9(c)**".

Page 52, line 24, delete "8(c)(4)" and insert "**8(b)(2)**".

Page 52, line 29, delete "10(c)" and insert "**9(c)**".

Page 52, line 31, delete "12." and insert "**11.**".

Page 52, line 35, delete "10" and insert "**9**".

Page 52, line 41, delete "10(c)" and insert "**9(c)**".

Page 52, line 42, delete "13." and insert "**12.**".

Page 52, line 42, delete "10(c)" and insert "**9(c)**".

Page 53, line 4, delete "10(c)(2)" and insert "**9(c)(2)**".

Page 53, line 6, delete "12" and insert "**11**".

Page 53, line 17, delete "10(c)" and insert "**9(c)**".

Page 53, line 20, delete "adjustments." and insert "**adjustments and treat any tax applicable to such partners**

as tax withheld by the partnership on any affected partner's behalf."

Page 53, line 21, delete "14." and insert "13."

Page 53, line 23, delete "sections 9 through 13" and insert **"section 12"**.

Page 54, line 2, delete "15." and insert **"14."**

Page 54, line 4, after "a" insert **"proposed or"**.

Page 54, line 4, after "of" insert **"final"**.

Page 54, line 5, after "of" insert **"proposed"**.

Page 54, line 19, after "of" insert **"proposed"**.

Page 54, line 26, delete "." and insert **"; or"**.

Page 54, between lines 26 and 27, begin a new line block indented and insert:

"(6) in the case of a report of proposed partnership adjustments issued to a tiered partner that is a partnership as a direct or indirect result of another partnership's report of final partnership adjustments, final federal adjustments, or an amended return, one hundred eighty (180) days after the applicable deadline for the tiered partner or the date otherwise determined under this section for the partnership, whichever is later."

Page 54, line 27, delete "16." and insert **"15."**

Page 54, line 28, delete "report or" and insert **"report,"**.

Page 54, line 28, delete "statement" and insert **"statement, or similar report"**.

Page 54, line 30, delete "remitted" and insert **"reported"**.

Page 54, line 32, delete "an" and insert **"a proposed"**.

Page 54, line 35, delete "statement; or" and insert **"amended statement arising from the partner level adjustments report from the entity required to provide the report or statement to the department;"**.

Page 54, between lines 35 and 36, begin a new line block indented and insert:

"(2) one hundred eighty (180) days after the applicable deadline for the taxpayer; or"

Page 54, line 36, delete "(2)" and insert **"(3)"**.

Page 54, line 38, delete "later." and insert **"latest."**

Page 54, line 41, delete "an" and insert **"a proposed"**.

Page 55, line 5, delete "IC 6-8.1-5-2" and insert **"IC 6-8.1-5"**.

Page 55, line 9, delete "17." and insert **"16."**

Page 55, line 13, delete "remit" and insert **"report"**.

Page 55, line 15, delete "an" and insert **"a proposed"**.

Page 55, line 17, delete "last date determined under section 8(b) of this chapter" and insert **"applicable deadline for the taxpayer"**.

Page 55, line 19, delete "The following".

Page 55, delete lines 20 through 30.

Page 55, line 32, after "more" insert **"direct or indirect"**.

Page 55, line 37, delete "two hundred seventy (270) days after the final".

Page 55, line 38, delete "determination date".

Page 55, line 39, after "Service," insert **"the applicable deadline for the partner,"**.

Page 55, line 39, delete "plus any additional time".

Page 55, delete line 40.

Page 55, line 41, delete "partners under section 8(c) of this chapter,".

Page 56, line 5, delete "18." and insert **"17."**

Page 56, line 7, delete "attribute," and insert **"attribute and the taxpayer does not disclose the inconsistent reporting in a manner prescribed by the department,"**.

Page 56, line 30, delete "attribute." and insert **"attributes."**

Page 56, line 36, delete "19." and insert **"18."**

Page 56, line 39, delete "thirty (30) days" and insert **"the period"**.

Page 56, line 40, delete "after the date".

Page 57, line 9, delete "apply." and insert **"apply, the partnership or tiered partner has made an election to be subject to tax under sections 6, 8, or 9 of this chapter, or to**

the extent the partnership, tiered partner, or the department can determine that the tax was otherwise properly reported and remitted."

Page 57, line 10, after "partnership's" insert **"or tiered partner's"**.

Page 57, line 14, after "knows" insert **"or reasonably should know"**.

Page 57, delete lines 16 through 19, begin a new line block indented and insert:

"(2) if the report, amended statement, or other information not described in subdivision (1) is returned and the partnership or tiered partner:

(A) fails to take reasonable steps to determine a proper address for reissuance within thirty (30) days after the report, amended statement, or other information is returned; or

(B) takes such steps and fails to reissue the report to a proper address within thirty (30) days after the report, amended statement, or other information is returned;"

Page 57, line 22, delete "an" and insert **"a proposed"**.

Page 57, between lines 26 and 27, begin a new paragraph and insert:

"(d) If:

(1) a direct or indirect partner files and remits the tax otherwise due under this section, the assessment to the partnership under this section shall be reduced by the portion of the tax attributable to the direct or indirect partner; and

(2) a partnership or tiered partner files and remits the tax under this section, such tax shall be treated as payment of tax to the direct or indirect partners. However, in no event shall the direct or indirect partners be permitted a refund of tax paid by a partnership or tiered partner under this section unless otherwise permitted under this chapter or IC 6-8.1-9-1.

(e) Nothing in this section shall be construed to relieve a partnership or tiered partner from any duty to issue a report, amended statement, or other information otherwise required under this chapter or under any other provision of IC 6-3 or IC 6-5.5. If a partnership or tiered partner issues a report, amended statement, or other information provided under this chapter after the date otherwise required for issuance, the department may grant relief to any tiered partner, direct partner, or indirect partner affected by the late issuance, including extension of applicable deadlines."

Page 57, line 27, delete "20." and insert **"19."**

Page 57, line 35, delete "21." and insert **"20."**

Page 57, between lines 37 and 38, begin a new line block indented and insert:

"(1) in the case of a partnership or tiered partner that has more than ten thousand (10,000) direct owners, the department shall extend the time period one (1) time by sixty (60) days upon written request of the partnership or tiered partner, regardless of whether the department signs the extension."

Page 57, line 38, delete "(1)" and insert **"(2)"**.

Page 58, line 1, delete "(2)" and insert **"(3)"**.

Page 58, line 9, delete "(a)(1) or" and insert **"(a),"**.

Page 58, line 10, delete "(a)(2),".

Page 58, line 10, after "the" insert **"request for automatic extension or"**.

Page 58, line 14, delete "(a)(1) or" and insert **"(a),"**.

Page 58, line 15, delete "(a)(2),".

Page 58, line 15, after "the" insert **"applicable deadlines and"**.

Page 58, line 29, delete "is required to" and insert **"may"**.

Page 58, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 19. IC 6-3.6-2-7.4, AS ADDED BY P.L.154-2020, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.4. "County with a single voting bloc" means a county that has a local income tax council in which one (1) city that is a member of the local income tax council or one (1) town that is a member of the local income tax council is allocated more than fifty percent (50%) of the total one hundred (100) votes allocated under IC 6-3.6-3-6(d). This section expires May 31, ~~2021~~. **2024.**

SECTION 20. IC 6-3.6-3-5, AS AMENDED BY P.L.154-2020, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The auditor of a county shall record all votes taken on ordinances presented for a vote under this article and not more than ten (10) days after the vote, send a certified copy of the results to:

- (1) the commissioner of the department of state revenue; and
- (2) the commissioner of the department of local government finance;

in an electronic format approved by the commissioner of the department of local government finance.

(b) Except as provided in subsection (c), this subsection applies only to a county that has a local income tax council. The county auditor may cease sending certified copies after the county auditor sends a certified copy of results showing that members of the local income tax council have cast a majority of the votes on the local income tax council for or against the proposed ordinance.

(c) This subsection applies only to a county with a single voting bloc that proposes to increase (but not decrease) a tax rate in the county. The county auditor may cease sending certified copies of the votes on the local income tax council voting as a whole under section 9.5 of this chapter after the county auditor sends a certified copy of results showing that the individuals who sit on the fiscal bodies of the county, cities, and towns that are members of the local income tax council have cast a majority of the votes on the local income tax council voting as a whole under section 9.5 of this chapter for or against the proposed ordinance. This subsection expires May 31, ~~2021~~. **2024.**

SECTION 21. IC 6-3.6-3-6, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2021 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This section applies to a county in which the county adopting body is a local income tax council.

(b) In the case of a city or town that lies within more than one (1) county, the county auditor of each county shall base the allocations required by ~~subsection (c)~~ **subsections (d) and (e)** on the population of that part of the city or town that lies within the county for which the allocations are being made.

(c) Each local income tax council has a total of one hundred (100) votes.

(d) Each county, city, or town that is a member of a local income tax council is allocated a percentage of the total one hundred (100) votes that may be cast. The percentage that a city or town is allocated for a year equals the same percentage that the population of the city or town bears to the population of the county. The percentage that the county is allocated for a year equals the same percentage that the population of all areas in the county not located in a city or town bears to the population of the county.

(e) This subsection applies only to a county with a single voting bloc. Each individual who sits on the fiscal body of a county, city, or town that is a member of the local income tax council is allocated for a year the number of votes equal to the total number of votes allocated to the particular county, city, or town under subsection (d) divided by the number of members on the fiscal body of the county, city, or town. This subsection expires May 31, ~~2021~~. **2024.**

(f) On or before January 1 of each year, the county auditor shall certify to each member of the local income tax council the number of votes, rounded to the nearest one hundredth (0.01), each member has for that year.

(g) This subsection applies only to a county with a single voting bloc. On or before January 1 of each year, in addition to the certification to each member of the local income tax council under subsection (f), the county auditor shall certify to each individual who sits on the fiscal body of each county, city, or town that is a member of the local income tax council the number of votes, rounded to the nearest one hundredth (0.01), each individual has under subsection (e) for that year. This subsection expires May 31, ~~2021~~. **2024.**

SECTION 22. IC 6-3.6-3-8, AS AMENDED BY P.L.154-2020, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section applies to a county in which the county adopting body is a local income tax council.

(b) Except as provided in subsection (e), any member of a local income tax council may present an ordinance for passage. To do so, the member must adopt a resolution to propose the ordinance to the local income tax council and distribute a copy of the proposed ordinance to the county auditor. The county auditor shall treat any proposed ordinance distributed to the auditor under this section as a casting of all that member's votes in favor of the proposed ordinance.

(c) Except as provided in subsection (f), the county auditor shall deliver copies of a proposed ordinance the auditor receives to all members of the local income tax council within ten (10) days after receipt. Subject to subsection (d), once a member receives a proposed ordinance from the county auditor, the member shall vote on it within thirty (30) days after receipt.

(d) Except as provided in subsection (h), if, before the elapse of thirty (30) days after receipt of a proposed ordinance, the county auditor notifies the member that the members of the local income tax council have cast a majority of the votes on the local income tax council for or against the proposed ordinance the member need not vote on the proposed ordinance.

(e) This subsection applies only to a county with a single voting bloc that proposes to increase (but not decrease) a tax rate in the county. The fiscal body of any county, city, or town that is a member of a local income tax council may adopt a resolution to propose an ordinance to increase a tax rate in the county to be voted on by the local income tax council as a whole as required under section 9.5 of this chapter and distribute a copy of the proposed ordinance to the county auditor. The county auditor shall treat the vote tally on the resolution adopted under this subsection for each individual who is a member of the fiscal body of the county, city, or town as the voting record for that individual either for or against the ordinance being proposed for consideration by the local income tax council as a whole under section 9.5 of this chapter. This subsection expires May 31, ~~2021~~. **2024.**

(f) This subsection applies only to a county with a single voting bloc that proposes to increase (but not decrease) a tax rate in the county. The county auditor shall deliver copies of a proposed ordinance the auditor receives under subsection (e) to the fiscal officers of all members of the local income tax council (other than the member proposing the ordinance under subsection (e)) within ten (10) days after receipt. Subject to subsection (h), once a member receives a proposed ordinance from the county auditor, the member shall vote on it within thirty (30) days after receipt. This subsection expires May 31, ~~2021~~. **2024.**

(g) This subsection applies only to a county with a single voting bloc that proposes to increase (but not decrease) a tax rate in the county. The fiscal body of each county, city, or town voting on a resolution to propose an ordinance under subsection (e), or voting on a proposed ordinance being considered by the local income tax council as a whole under section 9.5 of this

chapter, must take a roll call vote on the resolution or the proposed ordinance. If an individual who sits on the fiscal body is absent from the meeting in which a vote is taken or abstains from voting on the resolution or proposed ordinance, the fiscal officer of the county, city, or town shall nevertheless consider that individual's vote as a "no" vote against the resolution or the proposed ordinance being considered, whichever is applicable, for purposes of the vote tally under this section and shall note on the vote tally that the individual's "no" vote is due to absence or abstention. The fiscal body of each county, city, or town shall certify the roll call vote on a resolution or a proposed ordinance, either for or against, to the county auditor as set forth under this chapter. This subsection expires May 31, ~~2021~~. **2024.**

(h) This subsection applies only to a county with a single voting bloc that proposes to increase (but not decrease) a tax rate in the county. If, before the elapse of thirty (30) days after receipt of a proposed ordinance under subsection (e), the county auditor notifies the member that the individuals who sit on the fiscal bodies of the county, cities, and towns that are members of the local income tax council have cast a majority of the votes on the local income tax council for or against a proposed ordinance voting as a whole under section 9.5 of this chapter, the member need not vote on the proposed ordinance under subsection (e). This subsection expires May 31, ~~2021~~. **2024.**

SECTION 23. IC 6-3.6-3-9, AS AMENDED BY P.L.154-2020, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Except as provided in subsection (d), this section applies to a county in which the county adopting body is a local income tax council.

(b) A member of the local income tax council may exercise its votes by passing a resolution and transmitting the resolution to the county auditor.

(c) A resolution passed by a member of the local income tax council exercises all votes of the member on the proposed ordinance, and those votes may not be changed during the year.

(d) This section does not apply to a county in which the county adopting body is a local income tax council to which section 9.5 of this chapter applies. This subsection expires May 31, ~~2021~~. **2024.**

SECTION 24. IC 6-3.6-3-9.5, AS ADDED BY P.L.154-2020, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.5. (a) This section applies to a county:

- (1) in which the county adopting body is a local income tax council;
- (2) that is a county with a single voting bloc; and
- (3) that proposes to increase a tax rate in the county.

However, the provisions under section 9 of this chapter shall apply to a county described in subdivisions (1) and (2) that proposes to decrease a tax rate in the county.

(b) A local income tax council described in subsection (a) must vote as a whole to exercise its authority to increase a tax rate under this article.

(c) A resolution passed by the fiscal body of a county, city, or town that is a member of the local income tax council exercises the vote of each individual who sits on the fiscal body of the county, city, or town on the proposed ordinance, and the individual's vote may not be changed during the year.

(d) This section expires May 31, ~~2021~~. **2024.**

Page 64, delete lines 1 through 9, begin a new paragraph and insert:

"(e) If a partner is required to include an item of income, a deduction, or another tax attribute in the partner's adjusted gross income tax return pursuant to IC 6-3-4.5, such item shall be considered to be includible in the partner's federal adjusted gross income or federal taxable income, regardless of whether such item is actually required to be reported by the partner for federal income tax purposes. For purposes of this subsection:

(1) items for which a valid election is made under IC 6-3-4.5-6, IC 6-3-4.5-8, or IC 6-3-4.5-9 shall not be required to be included in the partner's adjusted gross income or taxable income; and

(2) items for which the partnership did not make an election under IC 6-3-4.5-6, IC 6-3-4.5-8, or IC 6-3-4.5-9, but for which the partnership is required to remit tax pursuant to IC 6-3-4.5-18, shall be included in the partner's adjusted gross income or taxable income."

Page 66, delete lines 18 through 20, begin a new paragraph and insert:

"A payment required to be made in the manner prescribed in IC 6-5.5-6-3(c), but not paid in such a prescribed manner, shall be subject to the penalty provided in IC 6-8.1-10-2.1(b)(5)."

Page 69, delete lines 40 through 42.

Page 70, delete lines 1 through 3.

Page 71, line 14, delete "amounts" and insert **"taxes to a state or local jurisdiction outside Indiana or payments of amounts"**.

Page 71, between lines 20 and 21, begin a new line blocked left and insert:

"For purposes of this subsection, if a taxpayer receives a refund of an amount paid by or on behalf of the taxpayer for a listed tax, that refund shall not be considered the payment of an amount that is subsequently refunded or returned."

Page 81, line 16, delete "tax)." and insert **"tax);"**.

Page 81, between lines 16 and 17, begin a new line blocked left and insert:

"whichever is later."

Page 81, line 17, after "If" insert **"a"**.

Page 88, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 38. IC 22-4-25-1, AS AMENDED BY P.L.122-2019, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) There is created in the state treasury a special fund to be known as the special employment and training services fund. All interest on delinquent contributions and penalties collected under this article, together with any voluntary contributions tendered as a contribution to this fund, shall be paid into this fund. The money shall not be expended or available for expenditure in any manner which would permit their substitution for (or a corresponding reduction in) federal funds which would in the absence of the money be available to finance expenditures for the administration of this article, but nothing in this section shall prevent the money from being used as a revolving fund to cover expenditures necessary and proper under the law for which federal funds have been duly requested but not yet received, subject to the charging of expenditures against the funds when received. The money in this fund shall be used by the department for the payment of refunds of interest on delinquent contributions and penalties so collected, for the payment of costs of administration which are found not to have been properly and validly chargeable against federal grants or other funds received for or in the employment and training services administration fund, on and after July 1, 1945. The money shall be available either to satisfy the obligations incurred by the department directly, or by transfer by the department of the required amount from the special employment and training services fund to the employment and training services administration fund. The department shall order the transfer of the funds or the payment of any obligation or expenditure and the funds shall be paid by the treasurer of state on requisition drawn by the department and certified by the commissioner. The money in this fund is specifically made available to replace within a reasonable time any money received by this state pursuant to 42 U.S.C. 502, as amended, which, because of any

action or contingency, has been lost or has been expended for purposes other than or in amounts in excess of those approved by the United States Department of Labor. The money in this fund shall be continuously available to the department for expenditures in accordance with the provisions of this section and for the prevention, detection, and recovery of delinquent contributions, penalties, and improper benefit payments, and shall not lapse at any time or be transferred to any other fund, except as provided in this article. Except as provided in subsection (e), after making the grants required under subsection (c), the department may expend an amount not to exceed ten million dollars (\$10,000,000) in a state fiscal year for the purpose of prevention, detection, and recovery of delinquent contributions, penalties, and improper benefit payments, unless an additional amount is approved by the budget committee. Nothing in this section shall be construed to limit, alter, or amend the liability of the state assumed and created by IC 22-4-28, or to change the procedure prescribed in IC 22-4-28 for the satisfaction of the liability, except to the extent that the liability may be satisfied by and out of the funds of the special employment and training services fund created by this section. Each state fiscal year, the commissioner shall make the training grants required under subsection (c) before amounts are expended from the fund in accordance with this section for any other purpose.

(b) If on December 31 the balance in the special employment and training services fund exceeds eight million five hundred thousand dollars (\$8,500,000), the department shall order, not later than thirty (30) days after December 31, payment of the amount that exceeds eight million five hundred thousand dollars (\$8,500,000) into the unemployment insurance benefit fund.

(c) Subject to the availability of funds, on July 1 each year the commissioner shall release the following amounts before expenditures are made in accordance with this section for any other purpose:

(1) ~~One million dollars (\$1,000,000)~~ **Four million dollars (\$4,000,000)** to the state educational institution established under IC 21-25-2-1 for training provided to participants in apprenticeship programs approved by the United States Department of Labor, Bureau of Apprenticeship and Training.

(2) Four million dollars (\$4,000,000) to the state educational institution instituted and incorporated under IC 21-22-2-1 for training provided to participants in joint labor and management apprenticeship programs approved by the United States Department of Labor, Bureau of Apprenticeship and Training.

(3) Two hundred fifty thousand dollars (\$250,000) for journeyman upgrade training to each of the state educational institutions described in subdivisions (1) and (2).

(4) Four hundred thousand dollars (\$400,000) annually for training and counseling assistance:

(A) provided by Hometown Plans under 41 CFR 60-4.5; and

(B) approved by the United States Department of Labor, Bureau of Apprenticeship and Training;

to individuals who have been unemployed for at least four (4) weeks or whose annual income is less than twenty thousand dollars (\$20,000).

(5) Three hundred thousand dollars (\$300,000) annually for training and counseling assistance provided by the state institution established under IC 21-25-2-1 to individuals who have been unemployed for at least four (4) weeks or whose annual income is less than twenty thousand dollars (\$20,000) for the purpose of enabling those individuals to apply for admission to apprenticeship programs offered by providers approved by the United States Department of Labor, Bureau of Apprenticeship and Training.

(d) Each state educational institution described in subsection

(c) is entitled to keep ten percent (10%) of the funds released under subsection (c) for the payment of costs of administering the funds. On each June 30 following the release of the funds, any funds released under subsection (c) not used by the state educational institutions under subsection (c) shall be returned to the special employment and training services fund."

Page 93, line 33, delete "file" and insert "**filed**".

Page 94, line 6, delete "July 1, 2021." and insert "**July 1, 2021, with a final determination date of July 1, 2021.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 383 as reprinted February 19, 2021.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

BROWN, T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 392, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 36-7-1-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 6.5. "Excluded city" means a city or town that is located within a county having a consolidated city as described in IC 36-3-1-7.**

SECTION 2. IC 36-7-4-201, AS AMENDED BY P.L.145-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 201. (a) For purposes of IC 36-1-3-6, a unit wanting to exercise planning and zoning powers in Indiana, including the issuance of permits under IC 8-1-32.3 (except as otherwise provided in IC 8-1-32.3), must do so in the manner provided by this chapter.

(b) The purpose of this chapter is to encourage units to improve the health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end:

(1) that highway systems be carefully planned;

(2) that new communities grow only with adequate public way, utility, health, educational, and recreational facilities;

(3) that the needs of agriculture, forestry, industry, and business be recognized in future growth;

(4) that residential areas provide healthful surroundings for family life; and

(5) that the growth of the community is commensurate with and promotive of the efficient and economical use of public funds.

(c) Furthermore, municipalities and counties may cooperatively establish single and unified planning and zoning entities to carry out the purpose of this chapter on a countywide basis.

(d) METRO. Expanding urbanization in each county having a consolidated city has created problems that have made the unification of planning and zoning functions a necessity to insure the health, safety, morals, economic development, and general welfare of the county. To accomplish this unification, a single planning and zoning authority is established for the county. **However, in an excluded city (as described in IC 36-3-1-7):**

(1) **the legislative body of the excluded city; and**

(2) **the board of zoning appeals of the excluded city, if the excluded city has a board of zoning appeals;**

have exclusive territorial jurisdiction within the boundaries of the excluded city. Unless expressly provided otherwise, any reference in this chapter to the legislative body with regard to an excluded city is a reference to the legislative

body of the excluded city, and any reference in this chapter to the board of zoning appeals with regard to an excluded city is a reference to the board of zoning appeals of the excluded city, if the excluded city has a board of zoning appeals.

SECTION 3. IC 36-7-4-604, AS AMENDED BY P.L.253-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 604. (a) Before the plan commission certifies a proposal to the legislative body under section 605 of this chapter, the plan commission must hold a public hearing under this section.

(b) The plan commission shall give notice of the hearing by publication under IC 5-3-1. The notice must state:

- (1) the time and place of the hearing;
- (2) either:
 - (A) in the case of a proposal under section 606 or 607 of this chapter, the geographic areas (or zoning districts in a specified geographic area) to which the proposal applies; or
 - (B) in the case of a proposal under section 608 of this chapter, the geographic area that is the subject of the zone map change;
 (This subdivision does not require the identification of any real property by metes and bounds.)
- (3) either:
 - (A) in the case of a proposal under section 606 of this chapter, a summary (which the plan commission shall have prepared) of the subject matter contained in the proposal (not the entire text of the ordinance);
 - (B) in the case of a proposal under section 607 of this chapter, a summary (which the plan commission shall have prepared) of the subject matter contained in the proposal (not the entire text) that describes any new or changed provisions; or
 - (C) in the case of a proposal under section 608 of this chapter, a description of the proposed change in the zone maps;
- (4) if the proposal contains or would add or amend any penalty or forfeiture provisions, the entire text of those penalty or forfeiture provisions;
- (5) the place where a copy of the proposal is on file for examination before the hearing;
- (6) that written objections to the proposal that are filed with the secretary of the commission before the hearing will be considered;
- (7) that oral comments concerning the proposal will be heard; and
- (8) that the hearing may be continued from time to time as may be found necessary.

(c) The plan commission shall also provide for due notice to interested parties at least ten (10) days before the date set for the hearing. The commission shall by rule determine who are interested parties, how notice is to be given to interested parties, and who is required to give that notice. However, if the subject matter of the proposal:

- (1) references a specific parcel of real estate;
- (2) is unrelated to:
 - (A) a zone map change to a county ordinance under section 608 of this chapter;
 - (B) the adoption of an initial county zoning ordinance (or adoption of a replacement county zoning ordinance after repealing the entire county zoning ordinance, including amendments and zone maps) under section 606 of this chapter; or
 - (C) an amendment or partial repeal of the text (not zone maps) of a county zoning ordinance under section 607 of this chapter; and
- (3) abuts or includes a county line (or a county line street or road or county line body of water);

then all owners of real property to a depth of two (2) ownerships

or one-eighth (1/8) of a mile into the adjacent county, whichever is less, are interested parties who must receive notice under this subsection.

(d) The hearing must be held by the plan commission at the place stated in the notice. The commission may also give notice and hold hearings at other places within the county where the distribution of population or diversity of interests of the people indicate that the hearings would be desirable. The commission shall adopt rules governing the conduct of hearings under this section.

(e) A zoning ordinance may not be held invalid on the ground that the plan commission failed to comply with the requirements of this section, if the notice and hearing substantially complied with this section.

(f) The files of the plan commission concerning proposals are public records and shall be kept available at the commission's office for inspection by any interested person.

(g) METRO. In the case of a proposal to amend a **zoning zone** map under section 608 of this chapter or in the case of a proposed approval of a development plan required by a zoning ordinance as a condition of development, a person may not communicate before the hearing with any hearing officer, member of the historic preservation commission, or member of the plan commission with intent to influence the officer's or member's action on the proposal. Before the hearing, the staff may submit a statement of fact concerning the physical characteristics of the area involved in the proposal, along with a recital of surrounding land use and public facilities available to serve the area. The staff may include with the statement an opinion of the proposal. The statement must be made a part of the file concerning the proposal not less than six (6) days before the proposal is scheduled to be heard. The staff shall furnish copies of the statement to persons in accordance with rules adopted by the commission.

(h) METRO. In the case of a proposal to amend a **zoning zone** map under section 608 or 608.7 of this chapter, this subsection applies if the proposal affects only real property within the corporate boundaries of an excluded city (**as described in IC 36-3-1-7**). Notwithstanding the other provisions of this section, the legislative body **may decide that the legislative body rather than the plan commission should of the excluded city, rather than the plan commission, shall** hold the public hearing prescribed by this section. Whenever the plan commission receives a proposal subject to this section, the plan commission shall refer the proposal to the legislative body of the excluded city. **At the legislative body's first regular meeting after receiving a referred proposal, the legislative body shall decide whether the legislative body will hold the public hearing. Within thirty (30) days after making the decision to hold the hearing, Not later than thirty (30) days after receiving the proposal,** the legislative body shall hold the hearing, acting for purposes of this section as if the legislative body is the plan commission. The legislative body shall then make a **recommendation on the proposal to the plan commission. After receiving the excluded city legislative body's recommendation (or at the end of the thirty (30) day period for the public hearing if the proposal receives no recommendation); the plan commission shall meet and decide whether to make a favorable recommendation on the proposal. The favorable recommendation; the unfavorable recommendation; or no recommendation of the plan commission on the proposal shall be certified to the county legislative body as provided in section 605 of this chapter: the final determination as to the proposal.**

(i) Before a proposal involving a structure regulated under IC 8-21-10 may become effective, the plan commission must have received:

- (1) a copy of:
 - (A) the permit for the structure issued by the Indiana department of transportation; or

- (B) the Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration; and
- (2) evidence that notice was delivered to a public use airport as required in IC 8-21-10-3 not less than sixty (60) days before the proposal is considered.

SECTION 4. IC 36-7-4-605, AS AMENDED BY P.L.88-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 605. (a) ADVISORY—AREA. A proposed zoning ordinance shall be certified to each participating legislative body by the plan commission as follows:

- (1) If the proposal is to adopt an initial zoning ordinance (or to adopt a replacement zoning ordinance after repealing the entire zoning ordinance, including amendments and zone maps) under section 606 of this chapter, it may be certified only if it receives a favorable recommendation from the commission.
- (2) If the proposal is to amend or partially repeal the text (not zone maps) of the ordinance under section 607 of this chapter, it may be certified with a favorable recommendation, an unfavorable recommendation, or no recommendation from the commission.
- (3) If the proposal is to change the zone maps incorporated by reference into the ordinance under section 608 of this chapter, it may be certified with a favorable recommendation, an unfavorable recommendation, or no recommendation from the commission.

(b) METRO. Except as provided in subsection (c), a proposal shall be certified to the legislative body by the metropolitan development commission only if it receives a favorable recommendation from the commission.

(c) METRO. A proposal to change the zone maps incorporated by reference into the ordinance under section 608 of this chapter shall be certified to the legislative body **of the county or if the proposal concerns real property located within the boundaries of an excluded city (as described in IC 36-3-1-7), the legislative body of the excluded city**, by the metropolitan development commission regardless of whether the proposal receives a favorable recommendation, an unfavorable recommendation, or no recommendation from the commission.

(d) The legislative body shall consider the recommendation (if any) of the commission before acting on the proposal under section 606, 607, or 608 of this chapter.

SECTION 5. IC 36-7-4-608.7, AS ADDED BY P.L.192-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 608.7. (a) A unit, **including an excluded city**, may adopt the alternate procedure set forth in this section to apply to a proposal, as described in section 602(c) of this chapter, to change the zone maps incorporated by reference into the zoning ordinance.

(b) The plan commission shall comply with section 608(b) of this chapter and certify a favorable recommendation, unfavorable recommendation, or no recommendation to the legislative body under section 605 of this chapter. Except as provided in subsection (c), if the plan commission makes:

- (1) a favorable recommendation on the proposal, the proposal (as certified) takes effect as other ordinances:
 - (A) thirty (30) days after the date of the certification under section 605 of this chapter; or
 - (B) on a date less than thirty (30) days:
 - (i) after the date of the certification under section 605 of this chapter; and
 - (ii) that is specified in the ordinance adopting the alternate procedure; or
- (2) an unfavorable recommendation or no recommendation on the proposal, the proposal is defeated:
 - (A) thirty (30) days after the date of the certification under section 605 of this chapter; or
 - (B) on a date less than thirty (30) days:
 - (i) after the date of the certification under section

605 of this chapter; and

- (ii) that is specified in the ordinance adopting the alternate procedure.

The plan commission shall notify the legislative body not later than the next business day after a proposal takes effect under subdivision (1) or is defeated under subdivision (2).

(c) If:

- (1) any aggrieved person files with the plan commission a written request to have the final determination on the proposal made by the appropriate legislative body; or
- (2) the legislative body files a notice with the plan commission that the legislative body shall make the final determination on the proposal;

the legislative body shall make the final determination on the proposal to change the zone map as set forth in section 608 of this chapter. The plan commission shall notify the legislative body in writing of a request under subdivision (1) not later than the next business day after receiving the request.

(d) A request or notice under subsection (c)(1) or (c)(2) must be filed not later than:

- (1) twenty-nine (29) days after the date the favorable recommendation, the unfavorable recommendation, or no recommendation of the plan commission is certified under section 605 of this chapter; or
- (2) on a date that is less than twenty-nine (29) days:
 - (A) after the date the favorable recommendation, the unfavorable recommendation, or no recommendation of the plan commission is certified under section 605 of this chapter; and
 - (B) that is specified in the ordinance adopting the alternate procedure.

SECTION 6. IC 36-7-4-902 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 902. (a) ADVISORY. Each division of the advisory board of zoning appeals consists of five (5) members as follows:

- (1) Three (3) citizen members appointed by the executive of the municipality or county, of whom one (1) must be a member of the plan commission and two (2) must not be members of the plan commission.
- (2) One (1) citizen member appointed by the fiscal body of the municipality or county, who must not be a member of the plan commission.
- (3) One (1) member appointed by the plan commission from the plan commission's membership, who must be a county agricultural agent or a citizen member of the plan commission other than the member appointed under subdivision (1).

(b) ADVISORY. In each county having a metropolitan plan commission, subsection (a) does not apply. In such a county, each division of the advisory board of zoning appeals consists of five (5) members as follows:

- (1) Two (2) members, of whom no more than one (1) may be of the same political party, appointed by the county legislative body.
- (2) Three (3) members, of whom no more than two (2) may be of the same political party, appointed by the second class city executive. One (1) only of these members must be a member of the plan commission.

(c) AREA. When the area board of zoning appeals was established before January 1, 1984, as a seven (7) member board, the board consists of seven (7) members as follows:

- (1) Two (2) citizen members appointed by the area plan commission from its membership, one (1) of whom must be a municipal representative and the other must be a county representative.
- (2) Three (3) citizen members, who may not be members of any plan commission, appointed by the executive of the largest municipality in the county. However, if there are two (2) or more municipalities having a population of at least twenty thousand (20,000) in the county, the executive

of the largest municipality shall appoint two (2) citizen members and the executive of the second largest municipality shall appoint one (1) citizen member. Furthermore, if there are no cities in the county participating in the commission, then the three (3) members appointed under this subdivision shall be appointed as follows:

- (A) One (1) member appointed by the county executive.
- (B) One (1) member appointed by the county fiscal body.
- (C) One (1) member appointed by the legislative bodies of those towns participating in the commission.

(3) Two (2) citizen members, who may not be members of any plan commission, appointed by the county legislative body.

(d) AREA. Except as provided in subsection (c), each division of the area board of zoning appeals consists of five (5) members as follows:

- (1) One (1) citizen member appointed by the area plan commission from its membership.
- (2) One (1) citizen member, who may not be a member of any plan commission, appointed by the executive of the largest municipality in the county participating in the commission.
- (3) Two (2) citizen members, of whom one (1) must be a member of the area plan commission and one (1) must not be a member of any plan commission, appointed by the county legislative body.
- (4) One (1) citizen member, who may not be a member of any plan commission, appointed by the executive of the second largest municipality in the county participating in the commission. However, if there is only one (1) municipality in the county participating in the commission, then the county legislative body shall make this appointment.

(e) METRO. Each division of the metropolitan board of zoning appeals consists of five (5) members as follows:

- (1) Two (2) citizen members appointed by the executive of the consolidated city.
- (2) Two (2) citizen members appointed by the legislative body of the consolidated city.
- (3) One (1) citizen member, who may also be a member of the metropolitan development commission, appointed by the commission.

(f) METRO. The municipal board of zoning appeals for an excluded city consists of five (5) members as follows:

(1) The following members for an excluded city that has a mayor:

- ~~(A) Three (3) citizen members appointed by the legislative body of the excluded city.~~
- ~~(B) Two (2) citizen members who may also be members of the metropolitan development commission, appointed by the commission.~~

(2) This subdivision applies to an excluded city that does not have a mayor. Five (5) citizen members appointed by the legislative body of the excluded city.

(g) Whenever the zoning ordinance provides for a certain division of the board of zoning appeals to have limited territorial jurisdiction, it must also provide for that division to consist of members who are all residents of that limited territory. Those members shall be appointed in the same manner that is prescribed by subsection (a) for divisions of an advisory board of zoning appeals, but if the plan commission is unable to make its appointment in that manner, the appointment shall be made instead by the legislative body.

SECTION 7. IC 36-7-4-918.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 918.8. **(a) This section does not apply to a proposed ordinance for the amendment of a zoning ordinance that only affects real**

property located within the corporate boundaries of an excluded city.

~~(a)~~ **(b)** METRO. In connection with its consideration of a proposed ordinance for the amendment of the zoning ordinance proposed under section 607(c)(2) of this chapter, the metropolitan development commission may exercise the powers of the metropolitan board of zoning appeals for the purpose of approving or denying:

- (1) a variance from the development standards of the zoning ordinance; or
- (2) a special exception, special use, contingent use, or conditional use from the terms of the zoning ordinance.

~~(b)~~ **(c)** METRO. The commission may, by rule, establish procedures so that the power of the commission to recommend amendment of zoning ordinances and the power of the commission to approve and deny these variances, exceptions, and uses may be exercised concurrently. These rules may be inconsistent with the 900 series to the extent reasonably necessary to allow the commission to exercise the power to approve or deny these variance, exception, and use petitions.

~~(c)~~ **(d)** METRO. When acting under this section, the commission may:

- (1) vote on the amendment to the zoning ordinance and the variance, exception, or use petition at the same time; and
- (2) condition the approval of variance, exception, or use in such a manner that it takes effect when the recommended ordinance amendment is approved by the legislative body.

~~(d)~~ **(e)** METRO. Section 922 of this chapter does not apply to variances, exceptions, and uses approved under this section.

SECTION 8. IC 36-7-4-922, AS AMENDED BY P.L.88-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 922. **(a) Subsections (b), (c), (d), and (e) do not apply to a board of zoning appeals of an excluded city.**

~~(a)~~ **(b)** METRO. Either of the following may appeal to the metropolitan development commission the following decisions of a board of zoning appeals:

- (1) An official designated by the metropolitan development commission. An official may appeal any decision regarding:
 - (A) an administrative appeal; or
 - (B) approving:
 - (i) a special exception;
 - (ii) a special or conditional use; or
 - (iii) a variance from the terms of the zoning ordinance.

(2) A member of the legislative body of the city and county in whose district the parcel of real property under consideration is located. A legislative body member in whose district the parcel of real property under consideration is located may appeal any decision approving, denying, or otherwise concerning a variance of use from the terms of the zoning ordinance that affects only real property located outside the corporate boundaries of an excluded city.

The official or the legislative body member must file in the office of the department of metropolitan development a notice of appeal within five (5) days after the board files a copy of the decision in the office of the board. However, if a representative of the department of metropolitan development or the legislative body member appears at the hearing at which the administrative appeal is decided or the special exception, special or conditional use, or variance is approved or denied, then the official or legislative body member must file the notice of appeal within five (5) days after the board has rendered its decision. The notice must certify that the decision raises a substantial question of zoning policy appropriate for consideration by the commission. The commission shall hear the appeal at its next

regular meeting held not less than five (5) days after the notice of appeal is filed.

(b) (c) METRO. In hearing appeals under this section, the metropolitan development commission sits as a board of zoning appeals and shall be treated as if it is a board for purposes of this section. The commission may accept into evidence the written record, if any, of the hearing before the board of zoning appeals, along with other evidence introduced by the staff or interested parties. The commission shall consider the matter de novo, but the decision of the board is considered affirmed unless two-thirds (2/3) of the commission members voting vote to deny the administrative appeal, exception, use, or variance.

(c) (d) METRO. Although persons other than the designated official or legislative body member may not appeal a decision of a board of zoning appeals to the metropolitan development commission, they may appear as interested parties in appeals under this section. No public notice need be given of the hearing of an appeal under this section, but the official or legislative body member shall promptly mail notice of the subject of the appeal and date and place of the hearing to each adverse party. However, if the record of the board shows that more than three (3) proponents or more than three (3) remonstrators appeared, then the official or legislative body member need mail notice only to the first three (3) of each as disclosed by the record.

(d) (e) The metropolitan development commission shall give strong consideration to the first continuance of an appeals hearing held under this section that is filed by a member of the legislative body of the city and county.

(f) METRO. This subsection applies only to decisions of a board of zoning appeals of an excluded city. A member of the legislative body of the excluded city in whose district the parcel of real property under consideration is located may appeal decisions of a board of zoning appeals. The legislative body member must file in the office of the excluded city legislative body a notice of appeal not later than five (5) days after the board files a copy of the decision in the office of the board. However, if the legislative body member appears at the hearing at which the administrative appeal is decided, or the special exception, special or conditional use, or variance is approved or denied, then the legislative body member must file the notice of appeal not later than five (5) days after the board has rendered its decision. The notice must certify that the decision raises a substantial question of zoning policy appropriate for consideration by the legislative body of the excluded city. The legislative body shall hear the appeal at its next regular meeting. In hearing appeals for decisions of the board of zoning appeals of an excluded city, the legislative body of the excluded city sits as the final board of appeals and shall be treated as if it is a board for purposes of this section. The legislative body may accept into evidence the written record, if any, of the hearing before the board of zoning appeals, along with other evidence introduced by the staff or interested parties. The decision of the board is considered affirmed unless two-thirds (2/3) of the legislative body voting vote to deny the administrative appeal, exception, use, or variance.

SECTION 9. IC 36-7-4-1003, AS AMENDED BY P.L.88-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1003. (a) Each decision of the legislative body under section 918.6 of this chapter is subject to judicial review in the same manner as that provided for the appeal of a final decision of the board of zoning appeals under section 1016(a) of this chapter.

(b) METRO. This subsection does not apply to an excluded city. A petition for judicial review must be filed with the court after the expiration of the period within which an official designated by the metropolitan development commission or a member of the legislative body of the city and county may file an appeal under section 922 of this chapter but not later than the period provided for timely filing under section 1605 of this

chapter. However, if the official, or the member of the legislative body of the city and county files an appeal, then only the decision of the metropolitan development commission sitting as a board of zoning appeals is subject to judicial review. The official, the department of metropolitan development, or the member of the legislative body of the city and county may not seek judicial review of a decision of a board of zoning appeals or the commission sitting as a board of zoning appeals.

(c) METRO. This subsection applies only to an excluded city. A petition for judicial review must be filed with the court:

(1) after the expiration of the period within which a member of the excluded city legislative body may file an appeal under section 922 of this chapter; and

(2) not later than the period provided for timely filing under section 1605 of this chapter.

However, if the member of the legislative body of the excluded city files an appeal, then only the decision of the legislative body of the excluded city sitting as a board of zoning appeals is subject to judicial review. The member of the excluded city legislative body or the excluded city legislative body may not seek judicial review of a decision of the board of zoning appeals of the excluded city or the legislative body of the excluded city sitting as a board of zoning appeals.

(Reference is to SB 392 as reprinted February 19, 2021.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

MILLER D, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred Senate Bill 396, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 36-8-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) "Salary of a first class patrolman or first class firefighter" means the ~~base~~ highest nonpromoted salary of a patrolman or firefighter plus all longevity increases, if provided by the employer, for:

(1) service of not more than twenty (20) years; or

(2) service of more than twenty (20) years but less than twenty-five (25) years if provided as a result of the meet and confer process under IC 36-8-22;

~~service of twenty (20) years or less but does not include remuneration or allowances for fringe benefits, incentive pay, holiday pay, insurance, clothing, automobiles, firearms, education, overtime, or compensatory time off.~~

(b) This subsection applies if a salary certified under IC 36-8-8-6.5 is greater than the salary of a first class patrolman or first class firefighter under subsection (a). An employer may not increase the salary certified under IC 36-8-8-6.5 unless the salary of a first class patrolman or first class firefighter under subsection (a) exceeds the employer's most recent salary certified. If an employer certifies a new salary under IC 36-8-8-6.5, the new certified salary must be equal to the salary of a first class patrolman or first class firefighter under subsection (a). Subsection (a) does not require an employer to decrease the certified salary of a first class patrolman or first class firefighter in effect on May 14, 2021.

(b) (c) With respect to the 1925, 1937, and 1953 funds, "salary of a first class patrolman or firefighter" may include longevity increases for more than twenty (20) years of service

at the option of the employer but only if these longevity increases had taken effect before January 1, 1983."

Page 5, line 41, reset in roman "subsection".

Page 5, line 42, delete "subsections".

Page 6, line 30, delete "act." and insert "**act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 396 as printed February 19, 2021.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

VANNATTER, Chair

Report adopted.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 68

Representative Jordan called down Engrossed Senate Bill 68 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 345

Representative Lehman called down Engrossed Senate Bill 345 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 345-2)

Mr. Speaker: I move that Engrossed Senate Bill 345 be amended to read as follows:

Page 1, line 11, strike "after June 30, 2018, and".

Page 1, line 12, strike "before July 1,".

Page 1, line 12, delete "2023,".

Page 2, line 23, strike "after June 30, 2018, and".

Page 2, line 24, strike "before July 1,".

Page 2, line 24, delete "2023,".

Page 3, line 20, after "negotiated sale" insert ".".

Page 3, line 20, strike "after June 30, 2018, and".

Page 3, line 21, strike "before July 1,".

Page 3, line 21, delete "2023,".

Page 3, line 28, after "negotiated sale" insert ".".

Page 3, line 28, strike "after June 30, 2018, and".

Page 3, line 29, strike "before July 1,".

Page 3, line 29, delete "2023,".

Page 5, line 7, after "negotiated sale" insert ".".

Page 5, line 7, strike "after".

Page 5, line 8, strike "June 30, 2018, and before July 1,".

Page 5, line 8, delete "2023,".

Page 5, line 37, after "sale" insert ".".

Page 5, line 37, strike "after July 1, 2018, and before".

Page 5, line 38, strike "June 30,".

Page 5, line 38, delete "2023,".

Page 7, line 19, after "sale" insert ".".

Page 7, line 19, strike "after June 30, 2018, and before July 1,".

Page 7, line 20, delete "2023,".

Page 9, line 4, after "negotiated sale" insert ";".

Page 9, line 4, strike "after".

Page 9, line 5, strike "June 30, 2018, and before July 1,".

Page 9, line 5, delete "2023,".

Page 10, line 12, after "negotiated sale" insert ";".

Page 10, line 12, strike "after June 30, 2018, and before July 1,".

Page 10, line 13, delete "2023,".

Page 10, line 24, after "negotiated sale" insert ".".

Page 10, line 24, strike "after June 30, 2018, and".

Page 10, line 25, strike "before July 1,".

Page 10, line 25, delete "2023,".

Page 11, line 5, after "negotiated sale" insert ".".

Page 11, line 5, strike "after June 30, 2018, and".

Page 11, line 6, strike "before July 1,".

Page 11, line 6, delete "2023,".

(Reference is to ESB 345 as printed March 22, 2021.)

LEHMAN

Motion prevailed.

HOUSE MOTION (Amendment 345-1)

Mr. Speaker: I move that Engrossed Senate Bill 345 be amended to read as follows:

Page 11, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 12. [EFFECTIVE JULY 1, 2021] (a) **Not later than September 1, 2021, the department of local government finance shall post on its Internet web site, in the form of frequently asked questions and corresponding answers, information that explains the primary differences between a competitive public sale of bonds under this chapter and a negotiated sale of bonds under this chapter.**

(b) **This SECTION expires July 1, 2023.**"

Renumber all SECTIONS consecutively.

(Reference is to ESB 345 as printed March 22, 2021.)

PORTER

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 346

Representative Carbaugh called down Engrossed Senate Bill 346 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 386

Representative Soliday called down Engrossed Senate Bill 386 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 398

Representative Wesco called down Engrossed Senate Bill 398 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 398-4)

Mr. Speaker: I move that Engrossed Bill 398 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-5, AS AMENDED BY P.L.221-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. "Ballot label" means **any of the following**:

(1) The printed strip or sheet of cardboard or paper, supplied for use on an electronic voting system, that contains the names of the candidates and the public questions on the ballot. ~~or~~

(2) The material, supplied for use with a ballot card voting system, that contains those names and questions.

(3) **The digital image of the ballot on the screen of an electronic voting system or the interface of the marking device used with an optical scan voting system.**

SECTION 2. IC 3-5-2-31, AS AMENDED BY P.L.71-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 31. (a) "Marking device" means:

(1) a pencil or pen for marking a paper ballot or ballot card; or

(2) an approved ~~touch-sensitive~~ device that automatically:
(A) registers ~~a the voter's~~ vote on an electronic voting system; or

(B) produces a marked optical scan ballot **indicating**

the choices of the voter.

(b) A voter verifiable paper audit trail is not a marking device."

Page 33, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 40. IC 3-11-13-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 7.5. (a) This section applies to a marking device used in a voting system that:**

- (1) contains features of both a ballot card voting system and an electronic voting system; and**
- (2) produces a ballot card with the voter's choices as selected by the voter and marked on the card by the device.**

(b) The interface of the marking device used with an optical scan voting system must include all of the following:

- (1) The information required by IC 3-11-14-3.5.**
- (2) The instructions required by IC 3-11-2-8.**
- (3) The information and instructions required by IC 3-11-2-10.**

(c) A marking device must comply with the same disability access standards as an electronic voting system under IC 3-11-15-13.6.

(d) Notwithstanding any other provision of this title, a ballot card used with a marking device must have either preprinted or printed by the marking device the following:

- (1) When the marking device is used for absentee voting under IC 3-11-10-26, the circuit court clerk's signature and seal required by IC 3-11-10-27.**
- (2) When the marking device is used by a voter to cast a provisional ballot, the circuit court clerk's signature and seal required by IC 3-11-7-1-7.**
- (3) A line or box for each poll clerk's initial as required by section 19 of this chapter.**
- (4) When the marking device is used during a primary election, the name of the political party whose primary the voter is participating in or the word "nonpartisan" if the voter is voting a ballot that contains only a public question certified by the county election board under IC 3-10-9.**

(e) If the voting system produces a ballot card, the ballot card must contain a summary ballot scan of the voter's ballot that includes all of the following:

- (1) The name or designation of each office on the voter's ballot.**
- (2) The name of the candidate and the candidate's political party selected by the voter.**
- (3) If the voter selects a straight party ticket, the name of the political party ticket the voter selected.**
- (4) A description of the text of any public question or judicial retention question on the voter's ballot that the county election board determines reasonably conveys the content of the public question or judicial retention question and the response the voter selected for each question.**

The ballot card may contain additional information described in subsection (b).

(f) Notwithstanding any other provision of this chapter, a ballot card used with the marking device may be a different dimension or size than other ballot cards:

- (1) approved by the county election board for use in an election; and**
- (2) that are not designed to be marked by the marking device.**

(g) A voter verifiable paper audit trail is not a marking device."

Page 37, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 44. IC 3-11-14-2, AS AMENDED BY P.L.71-2019, SECTION 16, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) Except as provided in subsection (c), a county election board may use an approved electronic voting system:

- (1) in any election;
- (2) in all or in some of the precincts within a political subdivision holding an election; and
- (3) instead of or in combination with any other voting method.

(b) A county election board may use an electronic voting system which includes a voter verifiable paper audit trail if the voting system:

- (1) otherwise complies with this chapter and IC 3-11-15; and
- (2) is certified by the Indiana election commission.

(c) A county election board may not use an approved electronic voting system purchased, leased, or otherwise acquired by the county after December 31, 2019, unless the system:

- (1) is certified by the Indiana election commission; and
- (2) includes a voter-verifiable paper audit trail.

This subsection does not prohibit a county election board from having maintenance performed on an electronic voting system purchased, leased, or otherwise acquired by the county before January 1, 2020.

(d) The voter verifiable paper audit trail must contain all of the following:

- (1) The name or code of the election as provided by the voting system.**
- (2) The date of the election.**
- (3) The date the voter verifiable paper audit trail was printed.**
- (4) A security code and record number specific to each paper receipt assigned by the voting system.**
- (5) The name or designation of the voter's precinct.**
- (6) The name or designation of each office on the voter's ballot.**
- (7) The name of the candidate and the designation of the candidate's political party selected by the voter.**
- (8) If the voter selects a straight party ticket, the name of the political party ticket the voter selected.**
- (9) The following information:**

(A) A description of the text of any public question or judicial retention question on the voter's ballot that:

- (i) contains not more than thirty (30) characters; and**
- (ii) the county election board determines reasonably conveys the content of the public question or judicial retention question.**

(B) The response the voter selected for each question.

(e) The voter verifiable paper audit trail may contain additional information and instructions determined to be useful to the voter by the county election board subject to the design capabilities of the voter verifiable paper audit trail."

Renumber all SECTIONS consecutively.

(Reference is to ESB 398 as printed March 18, 2021.)

WESCO

Motion prevailed.

HOUSE MOTION
(Amendment 398-1)

Mr. Speaker: I move that Engrossed Senate Bill 398 be amended to read as follows:

Page 5, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 7. IC 3-8-2-19, AS AMENDED BY P.L.216-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. (a) Upon

receipt of the certified list under section 17 of this chapter, a county election board shall immediately compile under the proper political party designation the following:

- (1) The title of each office.
- (2) The name of each individual who has filed a request to be placed on the presidential primary ballot.
- (3) The names and addresses of all persons for whom declarations of candidacy have been filed for nomination to an office on the primary election ballot, except for an individual with a restricted address under IC 36-1-8.5.
- (4) The text of any public question to be placed on the ballot.
- (5) The date of the primary election.
- (6) The hours during which the polls will be open.
- (7) The dates, times, and locations of voting at the circuit court clerk's office and at satellite offices under IC 3-11-10-26.**

(b) The county election board shall do the following:

- (1) Publish the information described in subsection (a) before the primary election in accordance with IC 5-3-1.
- (2) File a copy of the information described in subsection (a):

- (A) with the election division; and
- (B) in the minutes of the county election board.

(c) The county election board shall file the copies required under subsection (b)(2) not later than noon ten (10) days before election day.

(d) An election is not invalidated by the failure of the board to comply with this section.

(e) If the county election board receives an amendment from the election division under section 17 of this chapter after:

- (1) compilation of the information described in subsection (a) has occurred; or
- (2) the board determines that it is impractical to recompile completely revised information;

the board is only required to file a copy of the amendment with the minutes of the board."

Page 8, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 9. IC 3-10-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) Each county election board shall give notice of a general election and publish a statement in accordance with IC 5-3-1 ~~showing what~~ **stating the following information:**

- (1) The offices are to be filled. and setting forth**
- (2) The text of the judicial retention and other public questions to be submitted to the voters. and by filing**
- (3) The dates, times, and locations of voting at the circuit court clerk's office and at satellite offices under IC 3-11-10-26.**

(b) The county election board shall file a copy of this the information required by subsection (a):

- (1) with the election division; and
- (2) in the minutes of the county election board.

~~(b)~~ **(c) The county election board shall file the copies required under subsection (a) (b) with the election division and in the minutes of the county election board** not later than noon, ten (10) days before election day. However, an election is not invalidated by the failure of the board to perform this duty.

SECTION 10. IC 3-10-8-4, AS AMENDED BY P.L.278-2019, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) Each circuit court clerk who is required to conduct a special election under ~~state~~ **Indiana** law or receives a writ ordering a special election shall publish in accordance with IC 5-3-1 **the following information:**

- (1) Under the proper political party or independent candidate designation:
 - (A) the title of office; and
 - (B) the names and addresses of all candidates who have

filed for election to the office, except for an individual with a restricted address under IC 36-1-8.5;

if an elected office will be on the ballot at the special election.

(2) The text of any public question to be submitted to the voters.

(3) The date of the election. ~~and~~

(4) The hours during which the polls will be open.

(5) The dates, times, and locations of voting at the circuit court clerk's office and at satellite offices under IC 3-11-10-26.

(b) The county election board or town election board shall file a notice of a special election conducted under this chapter with the election division not later than noon seven (7) days after receiving the writ."

Page 19, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 23. IC 3-11-8-3.2, AS AMENDED BY P.L.278-2019, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3.2. (a) A county election board shall give ~~ten (10) days~~ notice of the place of voting in each precinct by publication in the manner prescribed by ~~IC 5-3-1-4~~ **IC 5-3-1**. The notice must state whether the polls are located in an accessible facility.

(b) If it is necessary to change a place for voting after giving notice, notice of the change shall be given in the same manner. However, except as provided in subsection (c), a change may not be made within two (2) days before an election.

(c) If the county election board determines by a unanimous vote of the board's entire membership that the use of a polling place at an election would be dangerous or impossible, the county election board may order the relocation of the polling place during the final two (2) days before an election. The county election board shall give the best possible notice of this change to news media and the voters of the precinct. If an order is adopted under this subsection, the order expires after the election.

(d) The county election board shall enter the location of each polling place into the computerized system and update the information as promptly as practical after any change of location is made under this section."

Page 64, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 69. IC 5-3-1-2, AS AMENDED BY P.L.21-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) This section applies only when notice of an event is required to be given by publication in accordance with this chapter.

(b) If the event is a public hearing or meeting concerning any matter not specifically mentioned in subsection (c), (d), (e), (f), (g), (h), or (i), notice shall be published one (1) time, at least ten (10) days before the date of the hearing or meeting.

(c) If the event is an election, notice shall be published one (1) time, ~~at least ten (10) not later than twenty-one (21) days before the date of the election day.~~

(d) If the event is a sale of bonds, notes, or warrants, notice shall be published two (2) times, at least one (1) week apart, with:

- (1) the first publication made at least fifteen (15) days before the date of the sale; and
- (2) the second publication made at least three (3) days before the date of the sale.

(e) If the event is the receiving of bids, notice shall be published two (2) times, at least one (1) week apart, with the second publication made at least seven (7) days before the date the bids will be received.

(f) If the event is the establishment of a cumulative or sinking fund, notice of the proposal and of the public hearing that is required to be held by the political subdivision shall be published two (2) times, at least one (1) week apart, with the

second publication made at least three (3) days before the date of the hearing.

(g) If the event is the submission of a proposal adopted by a political subdivision for a cumulative or sinking fund for the approval of the department of local government finance, the notice of the submission shall be published one (1) time. The political subdivision shall publish the notice when directed to do so by the department of local government finance.

(h) If the event is the required publication of an ordinance, notice of the passage of the ordinance shall be published one (1) time within thirty (30) days after the passage of the ordinance.

(i) If the event is one about which notice is required to be published after the event, notice shall be published one (1) time within thirty (30) days after the date of the event.

(j) If any officer charged with the duty of publishing any notice required by law is unable to procure publication of notice:

- (1) at the price fixed by law;
- (2) because all newspapers or locality newspapers that are qualified to publish the notice refuse to publish the notice; or
- (3) because the newspapers or locality newspapers referred to in subdivision (2) refuse to post the notice on the newspapers' or locality newspapers' Internet web sites (if required under section 1.5 of this chapter);

it is sufficient for the officer to post printed notices in three (3) prominent places in the political subdivision, instead of publication of the notice in newspapers or locality newspapers and on an Internet web site (if required under section 1.5 of this chapter).

(k) This subsection applies if an officer described in subsection (j) or the officer's designee submits a notice to a newspaper or locality newspaper in a timely manner and the newspaper or locality newspaper does not refuse to publish the notice but subsequently fails to publish the notice. If, within the same period required for publishing notice under this section, the officer or officer's designee posts:

- (1) printed notices in three (3) prominent places in the political subdivision; or
- (2) notice on the political subdivision's Internet web site in a location where the notice is easily accessible and identifiable;

the notice is sufficient, and publication of the notice in newspapers or locality newspapers and on the newspapers' Internet web sites (if required under section 1.5 of this chapter) is not required."

Renumber all SECTIONS consecutively.

(Reference is to ESB 398 as printed March 18, 2021.)

PRYOR

Motion prevailed.

HOUSE MOTION (Amendment 398-2)

Mr. Speaker: I move that Engrossed Senate Bill 398 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 1.5. ESTABLISHING LEGISLATIVE AND INDIANA CONGRESSIONAL DISTRICTS

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Agency" refers to the legislative services agency established by IC 2-5-1.1-7.

Sec. 3. "Body" refers to either of the following:

- (1) The house of representatives.
- (2) The senate.

Sec. 4. "Bureau" refers to the United States Department

of Commerce, Bureau of the Census.

Sec. 5. "Census data" means the population data that the bureau is required to provide to the state under 13 U.S.C. 141.

Sec. 6. "Census year" refers to the year in which a federal decennial census is conducted.

Sec. 7. "Commission" refers to the temporary redistricting advisory commission established by IC 2-1.5-4-1.

Sec. 8. "Executive director" refers to the executive director of the agency.

Sec. 9. "Federal decennial census" refers to a federal decennial census conducted under 13 U.S.C. 141.

Sec. 10. "GIS" refers to the geographic information system established and maintained by the office under IC 2-5-1.1-12.2(f)(7).

Sec. 11. "House of representatives" refers to the house of representatives of the general assembly.

Sec. 12. "Ideal district population" for a plan refers to the number equal to the quotient of the following, rounded to the nearest whole number:

- (1) The numerator is the population of Indiana as reported by the most recent federal decennial census.
- (2) The denominator is the number of districts required by this article for the plan.

Sec. 13. "Legislative district" refers to any of the following:

- (1) A district of the house of representatives.
- (2) A district for the senate.

Sec. 14. "Legislative leader" refers to any of the following:

- (1) The speaker of the house of representatives.
- (2) The minority leader of the house of representatives.
- (3) The president pro tempore of the senate.
- (4) The minority leader of the senate.

Sec. 15. "Office" refers to the office of census data of the agency established by IC 2-5-1.1-12.2.

Sec. 16. (a) "Plan" refers to any of the following:

- (1) A plan for districts for the house of representatives.
- (2) A plan for districts for the senate.
- (3) A plan for Indiana congressional districts.

(b) A plan includes maps and written descriptions of the maps that define all the districts that a plan is required to have under this article.

Sec. 17. "Political subdivision" means a city, county, town, or township.

Sec. 18. "Principal administrative officer" refers to the following:

- (1) For the house, the principal clerk of the house.
- (2) For the senate, the principal secretary of the senate.

Sec. 19. "Redistricting bill" refers to a bill prepared by the agency under IC 2-1.5-2-3 for any, all, or any combination of the following:

- (1) Establishing house of representative districts.
- (2) Establishing senate districts.
- (3) Establishing Indiana congressional districts.

Sec. 20. "Redistricting year" refers to the year immediately following a census year.

Sec. 21. "Senate" refers to the senate of the general assembly.

Chapter 2. Redistricting Procedure

Sec. 1. (a) Before January 1 of a redistricting year, the agency shall acquire any hardware, software, and supplies necessary to establish the plans as required by this article.

(b) At any time, the agency may acquire additional hardware, software, and supplies the executive director considers necessary to accomplish the requirements of this article.

Sec. 2. After the agency obtains the census data from the Bureau, the office shall incorporate that data into the GIS

and make necessary adjustments to the GIS to enable the agency to perform its duties under this article.

Sec. 3. (a) Not later than April 15 of a redistricting year, or not later than forty-five (45) days after the agency receives census data, if the agency receives census data after March 15 of a redistricting year, the agency shall do the following:

- (1) Create maps for legislative districts and congressional districts that conform to the requirements of IC 2-1.5-3.
- (2) Prepare all of the following:
 - (A) Written descriptions of the maps created under subdivision (1).
 - (B) A summary of the standards prescribed by IC 2-1.5-3 for development of the plans.
 - (C) A statement of the following:
 - (i) The population of each legislative and congressional district in the proposed plans.
 - (ii) The relative deviation of each district population from the ideal district population.
 - (D) The bills necessary for introduction to enact the legislative district plans and the congressional district plan.

(b) The agency shall publish all the information described in subsection (a) not later than the applicable date stated in subsection (a).

Sec. 4. (a) Not later than the applicable date stated in section 3(a) of this chapter, the agency shall deliver to the principal administrative officers the redistricting bills and the other information required by section 3 of this chapter.

(b) Not later than three (3) days after the date of the commission report required by IC 2-1.5-4-13, either body shall bring the redistricting bills for a vote on final passage in that body. The rules of each body must provide that no amendments, except amendments of a technical nature, may be offered to any of the redistricting bills.

(c) If a redistricting bill is passed in the first body, the other body must bring that bill to a vote on final passage in that body, without amendments, except amendments of a technical nature, not later than three (3) days after the bill is passed by the first body.

(d) If either body fails to pass a redistricting bill, the principal administrative officer of that body shall, not later than seven (7) days after the bill fails to pass in that body, transmit to the agency a resolution adopted by the body stating the objections that body had to the redistricting bill that was not passed.

(e) If the governor vetoes a redistricting bill, and either body sustains the governor's veto, the principal administrative officer of the body in which the bill was first passed shall transmit to the agency a copy of the governor's veto message.

Sec. 5. (a) This section applies only if either of the following occurs:

- (1) A redistricting bill for a plan fails to be enacted under section 4 of this chapter.
- (2) The veto of a redistricting bill for a plan is sustained under section 4 of this chapter.

(b) The agency shall prepare a second redistricting bill for the plan as provided in section 3 of this chapter, as far as possible according to the standards set by IC 2-1.5-3 and to meet the objections cited in any of the following:

- (1) An applicable resolution adopted by either body.
- (2) The governor's veto message.

(c) If a second redistricting bill for a plan is required under this section, the second bill shall be delivered to the principal administrative officers not later than thirty-five (35) days after the first redistricting bill for the plan failed or the governor's veto, whichever is applicable.

(d) Not later than seven (7) days after the second redistricting bill for a plan is delivered to the principal

administrative officers, the bill shall be brought to a vote in either body without amendments, except amendments of a technical nature.

(e) If the second redistricting bill for a plan passes in the first body, the other body must bring that bill to a vote on final passage in that body, without amendments, except amendments of a technical nature, not later than three (3) days after the bill is passed by the first body.

(f) If either body fails to pass the second redistricting bill for a plan, the principal administrative officer of that body shall, not later than seven (7) days after the bill fails to pass in that body, transmit to the agency a resolution adopted by the body stating the objections that body had to the second redistricting bill.

(g) If the governor vetoes a second redistricting bill for a plan, and either body sustains the governor's veto, the principal administrative officer of the body in which the bill was first passed shall transmit to the agency a copy of the governor's veto message.

Sec. 6. (a) This section applies only if either of the following occurs:

(1) A second redistricting bill for a plan fails to be enacted under section 5 of this chapter.

(2) The veto of a second redistricting bill for a plan is sustained under section 5 of this chapter.

(b) The agency shall prepare a third redistricting bill for the plan as provided in section 3 of this chapter, as far as possible according to the standards set by IC 2-1.5-3 and to meet the objections cited in any of the following:

- (1) An applicable resolution adopted by either body.
- (2) The governor's veto message.

(c) If a third redistricting bill for a plan is required under this section, the bill shall be delivered to the principal administrative officers not later than thirty-five (35) days after the second redistricting bill for the plan failed or the governor's veto, whichever is applicable.

(d) Not later than seven (7) days after the third redistricting bill for a plan is delivered to the principal administrative officers, the bill shall be brought to a vote in either body. However, a third redistricting bill for a plan may be amended by either body as provided in that body's rules.

(e) If the third redistricting bill for a plan passes in the first body, the other body must bring that bill to a vote on final passage in that body not later than three (3) days after the bill is passed by the first body. However, a third redistricting bill for a plan may be amended in either body as provided in that body's rules.

Sec. 7. (a) While the general assembly is in session considering redistricting bills as provided in this article, either body may adjourn from day to day as provided in that body's rules and in the joint rules of the house of representatives and the senate.

(b) Notwithstanding any provisions of IC 2-2.1 setting:

- (1) the length of a session; or
- (2) the date by which a session of the general assembly must adjourn sine die;

a session of the general assembly during which redistricting bills are being considered under this article may not adjourn sine die, until congressional districts and legislative districts have been established by law.

Chapter 3. Redistricting Standards

Sec. 1. Congressional districts and legislative districts must comply with the standards in this chapter.

Sec. 2. (a) A plan for house of representatives districts must provide for one hundred (100) districts.

(b) A plan for senate districts must provide for fifty (50) districts.

(c) A plan for congressional districts must provide for as many districts as are allocated to Indiana under 2 U.S.C. 2a.

Sec. 3. Districts must be established on the basis of

population.

Sec. 4. (a) This section applies only to a legislative district.

(b) The population of a district must be as nearly equal as practicable to the ideal district population for that plan.

(c) The population of a district may not vary from the ideal district population for that plan except as necessary to comply with another standard of this chapter.

(d) The number obtained in STEP THREE of the following formula may not be greater than one percent (1%) of the ideal district population for the plan:

STEP ONE: Determine, for each district, the absolute value of the difference between the actual population of a district and the ideal district population for the plan.

STEP TWO: Find the sum of the values obtained under STEP ONE.

STEP THREE: Divide the sum obtained in STEP TWO by the number of districts required for the plan.

(e) The population of a district for a plan may not be more than five percent (5%) greater than the population of any other district in the plan.

Sec. 5. (a) This section applies only to districts in a congressional district plan.

(b) A congressional district must have a population as nearly equal as practicable to the ideal district population for a congressional plan.

(c) The population of a congressional district may not vary from the ideal district population by more than one percent (1%).

Sec. 6. (a) Districts must be composed of contiguous territory.

(b) Areas that meet only at the point of adjoining corners are not considered contiguous.

Sec. 7. Districts may not breach precinct boundaries.

Sec. 8. To the extent possible consistent with sections 3 through 7 of this chapter, district boundaries must seek to coincide with the boundaries of Indiana political subdivisions as follows:

(1) A plan must attempt to minimize the number of counties and cities divided among more than one (1) district.

(2) Except as provided in subdivision (3), if there is a choice between political subdivisions to be divided, a more populous political subdivision shall be divided before a less populous political subdivision is divided.

(3) Subdivision (2) does not apply to a district boundary drawn along a county line that passes through a municipality that lies in more than one (1) county.

Sec. 9. (a) Districts must be as compact as possible to the extent practicable while considering other provisions of this chapter.

(b) To measure the compactness of a district for purposes of comparison between proposed districts or between proposed plans, the following measures shall be used:

(1) Determination of the height and width of a district. The height of a district is the measure of the north and south distance between the northern most point of the district and the southern most point of the district. The width of a district is the measure of the east and west distance between the eastern most point of the district and the western most point of the district. The compactness measure under this subdivision is the absolute value of the difference between the height and the width of the district. A district that has a compactness measure that is less than the compactness measure of another district under this subdivision is considered to be more compact than the other district.

(2) Determination of the perimeter of a district. A district that has a perimeter that is less than the perimeter of another district is considered to be more

compact than the other district.

(3) If a district is considered more compact than another district under subdivision (1) and less compact than the other district under subdivision (2), the measure under subdivision (1) prevails in determining compactness.

(c) The compactness measure of a plan is computed by determining the sum of the compactness measures of each district in the plan under both subsection (b)(1) and (b)(2). A plan is considered more compact than another plan if the compactness measure of the plan is less than the compactness measure of the other plan. If a plan is considered more compact than another plan under the compactness measure of subsection (b)(1) and less compact under the compactness measure of subsection (b)(2), the compactness measure under subsection (b)(1) prevails in determining compactness.

Sec. 10. (a) A district may not be drawn for the purpose of favoring any of the following:

- (1) A political party.
- (2) An incumbent member of the general assembly.
- (3) An incumbent member of Congress.
- (4) Any other person or group.

(b) A district may not be drawn for the purpose of augmenting or diluting the voting strength of a language or a racial minority group.

(c) In establishing districts, none of the following data may be used:

- (1) Except as provided in subsection (d), the addresses of incumbent members of the general assembly or Congress.
- (2) The political affiliations of registered voters.
- (3) Previous election results.
- (4) Demographic information other than population counts, except as required by the Constitution of the United States and other federal law.

(d) A plan for senate districts may not include a senate district that includes the residence address of two (2) or more senators, more than one (1) of whose term of office expires at the second general election held after the redistricting year.

Chapter 4. Temporary Redistricting Advisory Commission

Sec. 1. The temporary redistricting advisory commission is established.

Sec. 2. (a) Except as provided in subsection (b), not later than February 15 of a redistricting year, each of the legislative leaders shall appoint one (1) individual to serve as a member of the commission.

(b) If the executive director determines, based on information received from the Bureau, that the release of census data will be delayed, the executive director shall inform the legislative leaders in writing of this determination. The executive director must include with this information to the legislative leaders the executive director's estimate, based on information received from the Bureau, of the date when the census data will be released. The legislative leaders may delay the appointments required by subsection (b) to not later than sixty (60) days before the date estimated by the executive director.

(c) Each legislative leader shall certify to the executive director the name of the individual whom the legislative leader has appointed under this section.

Sec. 3. (a) Not later than thirty (30) days after the last appointment made under section 2 of this chapter, the executive director shall convene the commission members appointed under section 2 of this chapter at the date, place, and time determined by the executive director.

(b) At the meeting convened under subsection (a), the commission members shall, by a majority vote of the members, appoint an additional individual to be the

commission's chair.

Sec. 4. To serve on the commission, an individual must be a registered voter of Indiana.

Sec. 5. (a) The definitions in IC 3-5-2 apply throughout this section.

(b) An individual may not serve on the commission if the individual has been any of the following at any time less than six (6) years before the individual's appointment to the commission:

- (1) A member of the general assembly or the Congress of the United States.
- (2) A candidate for election to the general assembly or the Congress of the United States.
- (3) The holder of a state office (as defined in IC 3-5-2-48).
- (4) An appointed public official.
- (5) An employee of any of the following:
 - (A) The general assembly.
 - (B) A member of the Congress of the United States from Indiana.
- (6) The chairman or treasurer of a candidate's committee of a candidate for election to the general assembly or the Congress of the United States as required by IC 3-9-1 or federal law.
- (7) A precinct committeeman or a precinct vice committeeman.
- (8) A member of a candidate's committee.
- (9) A member of a central committee.
- (10) A member of a national committee of a political party.
- (11) An employee or an agent of a political party or of an entity described in any of subdivisions (8) through (10).
- (12) An individual who is either of the following:
 - (A) A paid consultant of an entity described in any of subdivisions (8) through (11).
 - (B) An employee of a paid consultant of an entity described in any of subdivisions (8) through (11).
- (13) An individual registered as a lobbyist under IC 2-7.

Sec. 6. An individual serves as a commission member until the earlier of the following:

- (1) The individual resigns the individual's membership on the commission.
- (2) January 1 after congressional districts and legislative districts have been established by law under this article.

Sec. 7. (a) If a vacancy occurs in the position of a commission member who was appointed by a legislative leader, the individual who is the legislative leader of the caucus that appointed the individual who previously served in the vacant position shall appoint an individual to fill the vacancy not later than fifteen (15) days after the vacancy occurs.

(b) If the position of commission chair becomes vacant, the commission shall appoint an individual to fill the vacancy:

- (1) not later than fifteen (15) days after the vacancy occurs; and
- (2) in the same manner described in section 3 of this chapter.

Sec. 8. The affirmative vote of three (3) commission members is necessary for the commission to take official action.

Sec. 9. Each commission member is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

Sec. 10. (a) The agency shall provide the commission with staff and administrative services.

(b) The expenses of the commission shall be paid out of

amounts appropriated to the legislative council (created by IC 2-5-1.1-1) and the agency.

Sec. 11. If in preparation of plans, the agency is confronted with the necessity to make any decision for which no clearly applicable guideline is provided by this article, the agency may submit a written request for direction from the commission.

Sec. 12. (a) Except as provided in subsection (b), before the date set in IC 2-1.5-2-3(a), the agency may not provide to persons outside of the agency information relating to any plan except information permitted under policies adopted by the commission.

(b) Notwithstanding subsection (a), the agency may provide information furnished to the agency by the Bureau.

Sec. 13. (a) After the agency delivers the information required by IC 2-1.5-2-3, the commission shall do all of the following:

- (1) As expeditiously as reasonably possible, schedule a public hearing on the plans delivered by the agency under IC 2-1.5-2-3 in northern Indiana, central Indiana, and southern Indiana.
- (2) After all the hearings required by subdivision (1), prepare a report summarizing the information and testimony received by the commission during the hearings. The report shall include any comments and conclusions that any member wants to make regarding the information and testimony received at the hearings or that is otherwise presented to the commission.

(b) The agency shall submit the commission's report to the principal administrative officers not later than fourteen (14) days after the information is submitted under IC 2-1.5-2-3.

SECTION 2. IC 3-3-2 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Redistricting Commission).

SECTION 3. IC 3-3-5-10, AS ADDED BY P.L.215-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. Beginning November 6, 2012, the 2001 Congressional District Plan:

- (1) adopted by the redistricting commission under IC 3-3-2 (**before its repeal**); and

(2) published in the governor's executive order 01-11 in the Indiana Register at 24 IR 3293-3298; is void."

Page 5, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 10. IC 3-8-2-8, AS AMENDED BY P.L.169-2015, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A declaration of candidacy for the office of United States Senator or for the office of governor must be accompanied by a petition signed by at least four thousand five hundred (4,500) voters of the state, including at least five hundred (500) voters from each congressional district.

(b) Each petition must contain the following:

- (1) The signature of each petitioner.
- (2) The name of each petitioner legibly printed.
- (3) The residence address of each petitioner as set forth on the petitioner's voter registration record.

(c) Except as provided in this subsection, the signature, printed name, and residence address of the petitioner must be made in writing by the petitioner. If a petitioner with a disability is unable to write this information on the petition, the petitioner may authorize an individual to do so on the petitioner's behalf. The individual acting under this subsection shall execute an affidavit of assistance for each such petitioner, in a form prescribed by the election division. The form must set forth the name and address of the individual providing assistance, and the date the individual provided the assistance. The form must be submitted with the petition.

(d) This subsection applies to a petition filed during the

period:

- (1) beginning on the date that a congressional district plan has been adopted under ~~IC 3-3~~; **IC 2-1.5**; and
- (2) ending on the date that ~~the part of the act or order issued under IC 3-3-2 establishing~~ the previous congressional district plan is repealed or superseded.

The petition must be signed by at least four thousand five hundred (4,500) voters of Indiana, including at least five hundred (500) voters from each congressional district created by the most recent congressional district plan adopted under ~~IC 3-3~~. **IC 2-1.5.**

SECTION 11. IC 3-8-3-2, AS AMENDED BY P.L.169-2015, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A request filed under section 1 of this chapter must be accompanied by a petition signed by at least four thousand five hundred (4,500) voters of the state, including at least five hundred (500) voters from each congressional district.

(b) Each petition must contain the following:

- (1) The signature of each petitioner.
- (2) The name of each petitioner legibly printed.
- (3) The residence address of each petitioner as set forth on the petitioner's voter registration record.

(c) Except as provided in this subsection, the signature, printed name, and residence address of the petitioner must be made in writing by the petitioner. If a petitioner with a disability is unable to write this information on the petition, the petitioner may authorize an individual to do so on the petitioner's behalf. The individual acting under this subsection shall execute an affidavit of assistance for each such petitioner, in a form prescribed by the election division. The form must set forth the name and address of the individual providing assistance, and the date the individual provided the assistance. The form must be submitted with the petition.

(d) This subsection applies to a petition filed during the period:

- (1) beginning on the date that a congressional district plan has been adopted under ~~IC 3-3~~; **IC 2-1.5**; and
- (2) ending on the date that ~~the part of the act or order issued under IC 3-3-2 establishing~~ the previous congressional district plan is repealed or superseded.

The petition must be signed by at least four thousand five hundred (4,500) voters of Indiana, including at least five hundred (500) voters from each congressional district created by the most recent congressional district plan adopted under ~~IC 3-3~~. **IC 2-1.5."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 398 as printed March 18, 2021.)

PIERCE

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that amendment Senate Bill 398-2 violates House Rule 80. The amendment addresses establishment of legislative and congressional districts and is assuredly germane to the bill's subject matter of various election matters.

DVORAK
PIERCE

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Karickhoff.

The question was, Shall the ruling of the Chair be sustained? Roll Call 300: yeas 58, nays 30. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

The bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 20

Representative Morrison called down Engrossed Senate Bill 20 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 301: yeas 83, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1033.

FRYE

Roll Call 302: yeas 68, nays 20. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1068.

FRYE

Roll Call 303: yeas 66, nays 18. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1079.

ZENT

Roll Call 304: yeas 87, nays 1. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1230.

LAUER

Roll Call 305: yeas 88 nays 0 . Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1271.

LEONARD

Roll Call 306: yeas 76, nays 14 . Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1384.

COOK

Roll Call 307: yeas 88, nays 1. Motion prevailed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bills 36, 305 and 368 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that Representative Lehman be removed as first sponsor and Representative Steuerwald be substituted

therefor and Representatives Smaltz, Clere and Moed be added as cosponsor of Engrossed Senate Bill 175.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Engleman and Fleming be added as cosponsors of Engrossed Senate Bill 240.

MAYFIELD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Prescott be added as cosponsor of Engrossed Senate Bill 251.

GOODRICH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Clere and Fleming be added as cosponsors of Engrossed Senate Bill 305.

LINDAUER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hostettler be added as cosponsor of Engrossed Senate Bill 332.

MILLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Morrison be added as cosponsor of Engrossed Senate Bill 389.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Abbott, Aylesworth, Baird, Barrett, Bartels, Behning, Borders, T. Brown, Carbaugh, Cherry, Clere, Cook, Davis, DeVon, Eberhart, Elington, Engleman, Frye, Goodrich, Gutwein, Heaton, Heine, Hostettler, Jordan, Judy, Karickhoff, King, Lauer, Ledbetter, Lehe, Lehman, Leonard, Lindauer, Lucas, Lyness, Manning, May, Mayfield, McNamara, Miller, Morris, Morrison, Negele, Nisly, Olthoff, Payne, Prescott, Pressel, Rowray, Saunders, Schaibley, Slager, Smaltz, Snow, Soliday, Speedy, Steuerwald, Teshka, Thompson, Torr, VanNatter, Vermilion, Wesco, Young, Zent and Ziemke be added as cosponsors of Senate Concurrent Resolution 14.

HUSTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as coauthor of House Bill 1168.

KARICKHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Teshka and Mayfield be added as coauthors of House Concurrent Resolution 18.

PRESCOTT

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1152, 1156, 1177, 1201, 1256, 1407 and 1564 and the same are herewith returned to the House.

JENNIFER L. MERTZ

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1030, 1101, 1125, 1127, 1255, 1271, 1313, 1373, 1392, 1395, 1441 and 1479 with amendments and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 15 and 16 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 29 and 30 and the same are herewith returned to the House.

JENNIFER L. MERTZ

Principal Secretary of the Senate

On the motion of Representative Campbell, the House adjourned at 1:01 p.m., this twenty-fifth day of March, 2021, until Monday, March 29, 2021, at 1:30 p.m.

TODD M. HUSTON

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives